BOOK IV

THE RAIYATWARI AND ALLIED SYSTEMS

(Systems dealing, for Revenue Purposes, with the Individual Cultivator).

Part I.—MADRAS.

List of Abbreviations employed in referring to certain standard works repeatedly quoted.

Full Title.	Quoted as
1. Manual of the Administration of the Madras Presidency 3 Vols folio. (Volume I is paged separately for each Section and Division)	Macleane
2. Kaye's History of the Administration of the East India Company 1853	Kaye
3. District Manual of the several districts)	D M.
4 Major-General Sir T Munro. Selections from his Minutes, with a Memoir by Sir A. J Arbuthnot, 2 Vols 88	Arbuthnot
5 Fifth Report from the Select Committee on the affairs of the East India Company (London, 1812) Reprinted at Madras, 1883. Vol. II. The Madras Presidency	Fifth Report
6. Government Order	G O.

nd trading stations[1] But this decree was

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BENGAL PRESIDENCY
PROVINCES

CHAPTER I.

THE EARLY SYSTEM OF REVENUE ADMINISTRATION

SECT I.—INTRODUCTORY

THE Land Revenue Administration of MADRAS, distinct in form as it now is, was begun under conditions very similar to those which attended the commencement of Revenue Administration in BENGAL. In both territories the East India Company's staff was fitted for trade and commerce rather than for the government of districts and the control of revenue-assessments. Although Madras had its President and Council (afterwards called Governor and Council), and its array of writers, factors, junior merchants, and senior merchants and although they had for their own protection military forces, and soon were obliged to plunge into the troubled sea of local politics, to engage in wars and negotiate treaties, they were quite unprepared to take the responsibility of the regular government of a populous and not unfertile country to supervise the administration of justice, and to settle the Land Revenue and control its collection.

The legal powers which the representatives of the Company possessed under the first Charters, were conferred with the sole view of providing for the control of the military and naval forces, and the internal government of factories and trading stations[1] But this defect was remedied

[1] For an excellent account, in detail, of the gradual growth of forts and factories in Madras, beginning with the Settlement at Masulipatam in 1611 Fort St. George (Madras) in 1639, and the grant of sites and villages which preceded what I may call territorial acquisition, see Macleane vol. I, pages 160 170. (History).

before any large portion of territory was acquired The change was gradual, and its steps have been indicated in the opening chapters of this work. When at length circumstances compelled the Madras government to undertake direct administrative duties in the territories granted to it, the trading organization had to give place to a new one, and the titles and grades of officers sent out to manage the new districts, were naturally adopted from the system already working in Bengal. The Board of Revenue, the Provincial Councils, and afterwards the Collector were titles of office already familiar; and it was at first supposed by the central authorities that a Permanent Settlement of the Land Revenue made with Zamíndárs, could be carried out in Madras as it had been in Bengal. But when after some years of tentative measures, this idea was formally carried into practice, a short experience showed that Madras and Bengal were widely different, and that except as regards a portion of the north country to which the Mughal rule had extended the Zamíndárí system, a totally different method of Settlement and revenue administration would have to be developed For it was not possible to find a system ready formulated only time and the trial of different plans with many failures and disappointments, could ultimately solve the problem of how to manage the Land Revenue.

As in the life of the individual there is often some one period—some salient event—not perhaps thought much of at the time, which profoundly influences the whole course of the man's after life, so it may be with governments. And it cannot be doubted that the acquisition, as British territory of the country called (by its later Muhammadan rulers) the Báramahál or twelve revenue estates, now included in the Salem (Sálam) district, was such a crucial event in the revenue history of Madras For the circumstances under which that district came under a British Revenue Settlement were such that they necessitated, or gave rise to, a hitherto novel method of treatment.

The experience gained in this Settlement (under Col. READ and Capt. afterwards (Sir Thomas) MUNRO) pro-

foundly influenced not only the future revenue history of the Presidency itself, but also, more or less indirectly that of all the British Provinces of India outside Bengal. This remark is none the less true that the Báramahál Settlement did not at first prove a success, and that both in principle and detail, the system, as first conceived, needed large modification.

In tracing the progress of the Madras Land Revenue System, it will be advisable in the first place to review the general course of acquisition, by which the Madras districts became British, and next to describe, in a brief and general manner the various stages of the history of the early revenue management. Commencing with the Settlement (above alluded to) in the Báramahál (1792 98), which was soon followed by those of Coimbatore (1799), the Ceded Districts (1800), and the Carnatic Districts (1801), we shall see how the first raiyatwárí system, or rather systems were overthrown for a time by an attempt to make a general *Zamíndárí* Settlement (1801 1808); how on the failure of that attempt, a proposal for village Settlements (in the sense of granting leases for the whole village, to a renter, a headman, or a joint-body of inhabitants) was tried with various success for a few years and how in the end, a raiyatwárí assessment was finally ordered (1812 18)[1]

Having so far described the general course of events, I shall return to notice somewhat more in detail, some of the principles which Read and Munro adopted in their Settlements. These matters will be found not devoid of interest and they are important, as showing the stages of evolution by which the modern system of Madras has been worked out. In thus dealing with Salem (and also with a cognate Settlement—that of the Ceded Districts—which came under Munro's charge, 1801 1807), I shall illustrate the position by some extracts from minutes and letters showing how Munro developed the principles with which a commence-

[1] I may now assume that the reader is familiar with the term raiyatwárí as indicating a system where each field or holding is dealt with separately and where the holder is free to pay the revenue and keep the field, or free himself by giving it up, as he pleases.

ment had been made into that raiyatwárí system which is chiefly associated with his name. The Court of Directors formally sanctioned this system in 1812 18 and Sir T Munro superintended its general application, as Governor of the Presidency [1]

This will, I think, form a fitting and I hope not unin teresting introduction to a concise view of the Madras system and its practical working at the present day

SECTION II.—FORMATION OF THE MADRAS PRESIDENCY

§ 1 *The Jágír*

A glance at the map in vol. I, or indeed any good sized map of South India, will make what follows readily intelligible.

The first general acquisition of territory by the East India Company—the first from a revenue-point of view—was of the country around Madras,—known as the *Jágír*—because it was originally granted by the Nawáb of the Karnátik as a jágír—a term with which the student is now familiar the revenue thus assigned was intended as a con tribution towards the expenses of the wars undertaken in aid of the Nawáb. The final acquisition of the territory was piecemeal, and dates between 1750 and 1760 (being finally confirmed by the Emperor Sháh Álam in 1763). At first the direct administration was not assumed the revenues were collected on the native plan and it was not till 1780 that British officers took regular charge. The Jágír now forms the Chingleput (Chengalpat) district, out of which a single taluk [2] forms the separate district of Madras.

§ 2 *The Northern Sirkárs.*

The next acquisition, in point of time, was that of the NORTHERN SIRKÁRS (often written Circar). These

[1] He was Governor from 1820–27

[2] Separated, as it includes the capital and its suburbs,—a special area presenting administrative features, as well as an extra amount of separate business, which require a special staff of officers.

territories were granted in 1765 by the Delhi Emperor[1] but the Madras government, looking to the practical claim of the Nizám of the Dakhan, who was hardly even in name subject to Delhi, also obtained a grant from him in 1768 The five administrative divisions known to the Mughal system as Sirkár were those of Chicacole (Chikákol—Srikákulam) Rajahmundry (Rájámahendríváram), Ellore (Alur), Mustafanagar (or Kándapílí), and Murtazanagar[2] (Guntur or Kandavíd).

They form the present districts of Vizagapatam (Visá khápatnam) Ganjam, Kistná and Godávari[3]

These came at once under British administration[4] It was found that they consisted (1) of lands settled under Zamíndárs, as in Bengal, (2) of havéli lands, those reserved for the support of the royal family and its im mediate dependants, and therefore Crown property Such a state of things invited the application of the Bengal system the Zamíndárs were accordingly left in possession and the haveli lands were parcelled out and leased to revenue farmers for a term of years. The Jágír lands (already mentioned) were, in 1780 divided into blocks and put under a similar system of revenue-leases.

§ 3 *Districts acquired after the Mysore Wars.*

In 1,92 and again in 1799 the Mysore wars led to the cession by Haidar Alí and Típú Sultán, of the districts along the southern and western frontiers of the present

They now link Madras to Bengal; but t that time Orissa (beyond the Subarnrekhá river) was in the hands of the Mughal govern ment.

But the Guntoor portion did not become British till 788. See Macleane vol me ii. page 41a.

Up to 1860, the country now forming the two districts, Kistná and Godávari, used t be divided between three districts called Rája mundry, Guntoor and Masulipatam. But with a view to the administra ti convenience of having all the irrigation works about the deltas of each of the great rivers (Kistná and Godávarí) under the same head, the territory was made into two Collectorates called after the rivers.

The Northern Sarkárs had been brought under Muhammadan dominaion first in 1471 A. D and had various fortunes under the different *contending dynasties.* In 1687 Aurangzeb conquest of the Dak han added them to the Mughal empire, and they were ultimately taken over by the Súbadár of the Dakhan (Nizám-ul Mulk) nominally from the Emperor Farúkhsir in 17 3 A. D.

Mysore State. The Salem district (the Báramahál, exclud ing the hill taluk of Hosúr) some taluks of Madura [Din digal (Tindukhal) and Palní] and Málabár were ceded in 1792 Coimbatore (Koyambatúr) Kánara and the Hosúr taluk, followed in 1799 [1]

§ 4. *The Ceded Districts.*

The same wars resulted in the transfer from Mysore, of a number of districts to the Nizám but a year later (1800) the Nizám ceded these districts (whence they were called the Ceded Districts) to the British. They form the present districts of Bellary (Ballárí), Anantapur the Pálnád taluk of the present Kistná district, Cuddapah (Kuṛapa) and Karnúl. Karnúl was, however in the hands of a tri butary local Nawáb, and did not pass under British admin istration till 1839 [2]

§ 5. *The Carnatic[3] Districts.*

The State of Tanjore (Tanjá vur) was brought under management in 1799 owing to the incapacity of the (Hindu) ruler; and in 1855 it became the British district of Tanjore by lapse on failure of heirs. The remaining districts[4] were those originally held by the Nawáb of the Karnátik or Arcot (Aṛkádu). The Nawáb who had already ceded the

Malabar i.e. excluding the Wainád, which latter taluk was added by supplementary treaty in 1803. Malabar was attached to Bombay, and did not come under the Madras Presidency till 1800. Kánara was in 1860 divided into two districts, whereof the North Kánara portion was transferred to Bombay in 1862.

See Arbuthnot, *Memoir* I. xa. The Ceded Districts, comprising some 27,000 square miles, had an exceedingly chequered history. They were held by the (Hindu) Vijaya nagar dynasty from the fourteenth to the sixteenth century. A confed eracy of the Moslem Dakhan kings established Muhammadan rule in 1564. But the districts fell under the control of local chiefs called poligars (pálegára). In 1680, the Maráthás overran the country Then Aurangzeb conquered them, and placed them under the vice-royalty f the Dakhan. Lastly they were conquered by Mysore.

With reference to the term Carnatic it should be noted that it is by a *freak* of historic usage that the name has come to be ap-plied to the districts below the Eastern *Ghâts*, whereas the old Karnátádesa or land of the Kán nadas (Canarese) was the land above the Western *Ghâts* representing Mysore, Coorg, and a bit of the Ceded districts. Kánara is the name now given to what was anciently Chera or Kérala.

Now Nellore (Nalúr), North and South Arcot, Madura, Trichinopoly and Tinnevelly (Tirunavali).

Jágír before spoken of became greatly indebted to the Government, and had from time to time assigned the revenues of various taluks and estates to pay off his debts. Under circumstances which need not here be detailed, the whole of the districts were made over to British control on July 31st, 1801. The Nawáb retained the titular dignity and a pension. The direct title expired in 1855[1]

Section III.—Characteristics and Material Condition of the Territory

§ 1. *The Natural Division of the Country*

The student will find that the Madras books constantly make use of certain natural divisions of the country: they should be followed on the map and are three in number:—

(1) The North of *Telugu* country (where Telugu is the prevailing language[2]), extending as far south as Pulicat. This part of the presidency was more completely under the Muhammadan dominion, and exhibits a larger survival of Persian Revenue terms and Muhammadan reminiscences: while the Zamíndári system of revenue management obliterated, as it did in Bengal, the traces of the earlier Hindu systems,—so that few special land tenures survive. The villages are simple groups of cultivators, on the common level of tenants of the Zamíndár or of the State as the case may be:—there are no surviving proprietary communities claiming the entire area of villages. It is not till we reach Nellore and the districts further south, that we find traces indicative of the joint village which lingered especially in the district of Chingleput, and to some extent in Arcot and Tanjore.

(2) The Tamil country[3] comprises all the *Carnatic* districts south of Pulicat, where Tamil chiefly is spoken.

(3) The West Coast consists of the British districts of

[1] The Nawáb of the Kárnatik or Arcot was a dependant of the Súba or viceroyalty of the Dakhan. The first Nawáb was appointed by the Viceroy in 710 A.D.

The foregoing account, is of course, only a general one, and takes no account of the particular taluks: those who desire an accurate and detailed list will find one at page 168 (History) of Macleane, vol. i.

[2] In one corner of the Bellary district Canarese is spoken.

South Kánara and Málabár the rest of the Coast being occupied by the Native States of Kochin and Travankúr The country is partly elevated and hilly (above the gháts) and partly plain country (below the gháts) The former is described by the term bálá-ghát the latter is called payin-ghát or talá-ghát[1]

§ 2. *Condition of the Districts at date of acquisition. The North Eastern and the Ceded Districts.*

The state of these territories when they came under British rule, was in many cases uniformly deplorable.

The districts forming the Northern Sirkárs which had been under the Muhammadan dominion in its decline, had passe as I have said, under the *Zamíndárí* system of revenue-collection[2] which marked the days of the fall but the Zamíndárs do not seem to have been exceptionally exacting

The dis ricts that had been taken from Mysore were oppressively assessed, but otherwise had been kept in some order The Mysore Sultáns were too careful of their treasury to allow great Zamíndár agents to intercept the profits but they left the revenue-officials or ámils, and petty middlemen to get the most out of the people they

[1] The Western ghát range, it will be observed, forms a continuous chain, tolerably equidistant from, but near the coast line all along from north to south. The Eastern Coromandel Gháts are much further inland; they only form a simpl chain in their upper portion i. e. from the Kistná river to the North Arcot district, at which point the main chain seems to turn inland, and sweep across the continent. Following this line, the gháts, skirting the Mysore State form the hill taluks of the Salem and Coimbatore districts, nd unite with the Málabár gháts in the network of hills surmounted by a plateau, known as the Nilgiri (or Blue Mountains). The Eastern coast, below the point of turning off above alluded to, is not altogether devoid of any hill barrier for the place of the ghat line is still indicated by groups of hills rather than a chain line. Among these groups the Shevarái (Shevaroy) hills are well known.

The Western ghát line below the Nilgiri group has several offshoots inland of which the two most important are the Anamalai and the Palni hills. (See the map Physical Configuration — *Indian Statistical Atlas*, 1886, p. 8.)

[2] In 786, we find Mr Grant, Resident of Haidarábád, speaking of the system of Zamíndárs as designed to relieve the ignorant voluptuous ruler from the intricate and troublesome details of internal police and the management of Mofussil collections (see *Kistna D M.* p. 34–5.

could. Haidar Ali did not object to his agents squeezing the people for as Colonel Wilks, in his account of Mysore, says it was part of his system to *squeeze the sponges which absorbed his people's surplus wealth* [1]

The Ceded Districts, however were overrun with a class of local chiefs (to be described presently) called poligar

In Karnúl there was a tributary Nawáb and his oppressions were grievous [2] —

> The revenue administration was in the greatest disorder and was carried on without any system whatever No public accounts were kept except by the village officers. The amount to be paid by each village was changed according to the caprice of the Nawáb and he would increase his demand without any ostensible reason. When his demands passed all bounds, the people would fly
>
> Then the Nawáb would allure them back with promises, and give them a cowle (agreement of terms) to reassure them but as soon as the crops were ready to be cut, he would seize the produce, breaking through his word without scruple.

3. *The Carnatic Districts.*

The districts under the Nawáb of the Carnatic form no exception to the general gloomy picture The *District Manual of Nellore* gives a piteous account of the oppression in Nellore under the great renters employed by the Nawáb [3] In Trichinopoly also a system of exactions was in force which ruined the people [4]

Nor was the Hindu kingdom of Tanjore in the South any better For many years it had been the victim of misrule [5]

Of Tinnevelli it is said the history up to 1781 is a confused tale of anarchy and bloodshed. Since then, also, up to the final suppression of the poligars in 1801 there were many troubles.

[1] *Coimbatore D. M.* p. 92, et seq.
[2] *Karnúl D. M.* p. 45.
[3] *D. M.* p. 483
[4] *D. M.* Trichinopoly p. 18.
[5] For some pictures of the state of these countries as far back as the seventeenth century see the curious quotations from a Jesuit Father—an eyewitness—in the *District Manual of Madura.* Part III. Chapter VII. p. 149 et seq *Les [illegible]*, says the writer [illegible]

§ 4. *The Jágír*

The history of the Jágír districts is a still sadder one[1] When granted to the British, the management was left in the hands of the Nawáb of the Carnatic, who rented the whole country for an annual sum The system of management was of the same oppressive and unjust character which marked the administration of his own territory the Carnatic. It exhibited throughout, a scene of boundless exaction and rapacity on the part of Government and its officers, of evasion on that of the inhabitants, or of collusion between them and the public servants while the revenue diminished every year

The Jágír was, besides all this, twice invaded by Haidar Ali, who in 1780, 'entered it with fire and sword. On the termination of the war in 1784, hardly any other signs were left in many parts of the country of its having been inhabited by human beings, than the bones of bodies that had been massacred, or the naked walls of the houses, choultries," and temples which had been burned. To the havoc of war succeeded the affliction of famine and the district was nearly depopulated. In 1780 the Company attempted direct management it was in want of money and had to let out the country in fourteen large farms on leases of nine years at increasing rents. The renters were in fact very inferior men. But the committee of supervision had not 'any lights or materials that could properly guide their judgment. The renters themselves did not know how to manage. On the one hand the Company pressed them for advances on the other the people were demanding help in order to start cultivation. By 1788 the renters had repeatedly failed and their estates were sequestrated.

In succeeding years the supervision of the district was variously arranged for: sometimes it was formed into one, sometimes divided into two, Collectorates, but nothing seemed to succeed. The inhabitants, reduced to poverty

[1] The account is taken from the 5th Report, in which there are very full details about the condition of the country

had been thrown a good deal into contact with the dubashes or native agents[1] of the European officers and merchants and these persons took the opportunity of buying up the lands for almost nothing, leaving the former owners in possession as cultivators. Through their real or pretended influence with the officials they kept the people in complete subjection. They found means to introduce their own ámildárs (Revenue-agents) into the management of the country and fomented quarrels between the cultivators and the Company's renters. Then the quarrels would subside, because the dubásh's interest was to keep things quiet and prevent enquiry. They therefore, did not dispute any more with the inhabitants about their share in the crops, but they set the inhabitants fighting among themselves— one man advanced pretensions for himself and precluded the rest: property having once been thrown into confusion, was easily invaded. In such a state of things the dubásh was pampered by both parties. He lived on the people and only gave his favour in return.

It was not till 1793-94 that order began to prevail owing to Mr Lionel Place's determination to restore the village organization as the basis of Revenue management.

Other details will occur in the sequel, but this will suffice to show what a difficult task Collectors or Provincial Councils—more or less new to the work—had when they were called on not only to restore order but to devise a system of revenue administration by which the poor and the rich should be justly treated and the Government interests respected.

[1] Dubásh is a corruption of Do-bhásh—one who speaks two languages—and means interpreter. The term and office are now entirely obsolete. The nearest thing we have to it is a jamadár, the head man among a staff of office-ushers and messengers: but in the old days the dúbásh was a native agent on whom the European officer was always greatly dependent for any dealings with the people: they were thus able to represent things to their masters much as they chose, and also to work everything round to their own purposes and advantage.

SECTION IV.—EARLY HISTORY OF REVENUE ADMINISTRATION

§ 1 *First attempts at British Administration—Northern Sirkárs.*

Taking the districts in the order of their coming under British rule, the first revenue administration was of the Zamíndári order The Northern Sirkárs were managed by the existing Zamíndárs, some of whom were local chiefs of importance and influence, and others of the ordinary type of revenue-agent. The havéli lands, which had belonged, as private estates, to the Mughal Crown, or to members of the royal family were given over to renters.

To ensure a better control, Provincial Councils were formed in 1769 after the model of Bengal, to supervise the Revenue arrangements. Their management of the Zamíndárís was unsuccessful [1]

The Zamíndárs did not look after the collections themselves. They says Arbuthnot [2] for the most part employed sub-renters or farmers of revenue who made the collections from the ryots, and oppressed them grievously by unauthorized exactions. Renters were likewise employed by the Company's officers to collect the revenue of land not under Zamíndárs, a whole "sirkár" being sometimes let to one renter. The persons thus employed were usually strangers to the country hangers-on of the chiefs or members of the Provincial Councils, three of which Councils, stationed at Ganjam, Vizagapatam, and Masulipatam were vested with the superintendence of the affairs of the Sirkárs. The renters employed by these Councils appear to have abused their powers even more grossly than those under the Zamíndárs.

§ 2. *The Jágír*

The same system of renting was followed in the Jágír (Chinglepat) and with similar want of success. The Court of Directors next appointed a Committee of Circuit, to make tours and gather information. Their instructions were conceived in a liberal and enlightened spirit but the

[1] Mackenzie says (vol. I. p. 1 5, note) that the work was too great for them, and they did not effect much.

[2] Arbuthnot Memoir I. xl.

Local Courts did not support the members, and the renters tried to thwart them. Although all this time leases were only given for 1–3–5 years, there was no improvement.

§ 3 *Proposals for the newly-acquired Districts.*

When, therefore, the new districts which became British in 1792, 1799 and 1800-1 had to be settled, the failure of management in the earlier acquired districts, induced the Governor General to look beyond the Civil Service for officers to organize their administration. Indeed, civil officers were not available and Lord Cornwallis determined to settle the Báramahál (1792) by the aid of military officers, who knew the language and the country. The instructions issued will be found in the *Fifth Report* and show that the object was to make a permanent Settlement, but with whom was not determined. It should also be remarked that even if the experience of the Zamíndárí system in Bengal had been more favourable than it was there were, for the most part, no Zamíndárs (properly so called): there were numerous chieftains called Poligars (pálaiyakkárar)[1] both as semi independent revenue-collectors and of smaller pretensions as police in aid of the Revenue-collector but they were not such, in the majority of instances, as held out much prospect of their proving suitable landlords to hold the Settlement.

Practically therefore, all the early Settlements were tentative arrangements, which depended largely on what

[1] Or in th other vernaculars, pálégára. Having once stated the correct spelling, I shall continue for brevity' sake, to use the anglicized poligar. The title poligar is said by Wilks t have been given by the Vijayanaga kings t the chief of the Telugu colonies planted in the neighbouring provinces for the purpose of over wing the original inhabitants. The Tamil name is pálaiyakkára the literal meaning of which is holder of a camp ; secondly the holder of barony or mil tary tenure. The English seem to have taken their name— poligar from th Canarese pálegára or the Telugu pálegádu. In the Canara country the poligar is called Odeyar pronounced Woley.i A similar name, Udaiyár is often used by the Zamindars of the Tamil country Caldwell *History of Tinnevelly*, p 58) see also curious account of how the conqueror Viswanatha Náyaka in the early sixteenth century set up poligars t keep order in the country and how they gradually took virtual possession of the whole (pp. 57 00–3 The *Fifth Report* (ii. p 95) gives a long account of the Carnatic poligars, and of the Southern estates p 10) and Western pollams p 03

the Settlement Officers found practicable. Read started in 1792 in Salem, with Munro and others as his assistants.

Coimbatore in 1799 was taken in hand by Macleod and Hurdis, who had been under Read. The Ceded Districts were undertaken in 1801 by Munro. The Carnatic Districts immediately followed, and were settled on similar general principles.

§ 4. *The First Settlements*

Of the earliest systems it is not necessary to speak in detail whatever is of interest in them will be noted when we come to speak of Read and Munro's principles. In most of them, however there was a survey probably as good as could be, considering the time and although the assessments usually proceeded on the basis of a reference to past accounts[1] corrected as far as possible by considering the average of the collections of several years, and so forth, the interest of the individual cultivator was always looked to and in the course of time, the first signs of the modern system of grouping villages according to the advantages of their situation, classifying soils ascertaining the average produce and finding the Government revenue by taking a reasonable percentage of the grain produce converted into money value, may all be discerned.

§ 5. *A Zamíndárí (Permanent) Settlement ordered*

The earliest general instructions of the Board of Revenue were to make the best arrangements possible pending the inquiries which must precede any Settlement whatever and then to adopt a system of village leases.

But it is clear that the intention was to prepare, by those leases, for some form of Zamíndárí Settlement, i. e. one man should be made answerable for the revenue of each village or other estate. For at an early date, i. e. soon after the Permanent Settlement Regulations had been

[1] The account of the total and detailed village net assessment was called the bérìz (P. barîj = account).

This term, pronounced with the first syllable long, is constantly used in Madras official orders and reports, to signify the net account payable, after allowing for authorized deductions.

passed and were in force in Bengal, the Governor General and the authorities at home began to call for a Zamíndárí Settlement (which should also be permanent) in Madras.

This proposition did not find much favour District officers knew it was impossible, except (as already explained) in the Northern Sirkárs. And this view was shared by eminent civil servants in the Madras Presidency some of whom were, or shortly afterwards became members of the Board of Revenue. Mr Place (whose successful efforts at Chingleput probably gave weight to his objections) as well as others, reported very unfavourably Accordingly even the superior authorities hesitated for a time. But in 1799 positive orders were issued and threats were conveyed, that officers found slack in introducing the Zamíndárí system would be removed. A special commission to superintend the settlement was appointed in 1801 The Zamíndárí Regulation No XXV was passed in 1802 and between 1802 and 1805, the introduction of the system, as far as it was possible, was effected[1]

§ 6 How carried out— Zamíndárís and Mutthás.

The Northern Sirkárs being already in the hands of Zamíndárs, were permanently settled and the haveli lands were made into parcels or mutthás, and sold to the highest bidder The mutthádárs (or mittádárs, as they were called in some districts) became the proprietors and permanent Settlement-holders. The Jágír (Chingleput) was treated in the same way in spite of there being considerable traces of landlord village communities as we shall afterwards see. The district was made into sixty-one mutthás paying from 7000–17,500 rupees[2] The Báramahál was made into 205 mutthás during 1803 4 5. These were afterwards subdivided into 308 estates. Within eight years, however the estates came back in numbers on the Government through failures,

[1] Kaye p. 202.

[2] Or 2000–3000 pagodas (Kaye p. 202), the pagoda = R. 3½. The subordinate coins are fanam and cash (Kaye). 80 cash = 1 fanam 42 fanams = 1 pagoda. (See Burnell and Yule's Glossary s. v.)

defaults, &c. In 1835, there were only 109 estates left—most of them sub-divisions of the original holdings. In 1815 we find complaints of the oppression exercised by the mittádárs (as they were called in the Salem district) over their tenants by illegal distraints and evictions. A curious list of extra cesses levied is given at page 330-1 of the Salem *District Manual*.

In a few other districts, there were local Zamíndárís or jágírs which were treated in the same way.

But after all these devices, there were still a great many districts in which it was impossible for the most sanguine advocate of the Zamíndárí system to make any progress. The system was in fact only regularly introduced into what have been called the 'ancient possessions' of the Company e.g. the Sirkárs or North-eastern districts, and to certain estates in the south and west. For the modern territories (viz. the Ceded and Carnatic Districts), it was considered that some preliminary knowledge of the resources of the country was requisite, lest there should be too great a sacrifice of the State's rights. The Collectors were accordingly urged to obtain information 'so full and accurate as would enable the Board to fix the demand of Government on the inhabitants in proportion to their resources[1].' What with the extent of these districts and the failure and dissolution of a large number of mutthás, and some of the Zamíndárís, in the older districts, the area available to be settled on some other system than the Zamíndárí, was not only large but in fact formed by far the greater portion of the Presidency.

§ 7. *Polígars.*

It might be supposed that seeing the extent to which *polígars* find mention in the District Reports, those chiefs (as well as minor authorities called by the same name), would have become the permanently-settled Zamíndár proprietors of their estates called pálaiyam (pollam, or pollicm). But circumstances did not permit this. As a

[1] See Nellore D. M. p. 500.

matter of fact only a few of them—such as were really men of local weight and standing did become landlords, and to this day they hold the sanad i milkiyat-i istimrár or title-deed of perpetual ownership Their estates are spoken of as the settled polliems. But in the majority of instances the poligars attempted to resist the British authorities, in the hope of continuing the same lawless courses of exaction and plunder that they had adopted before the annexation, and were therefore destroyed, or dispossessed.

The poligars seem to have been of different status and origin in different parts of the country We hear of them chiefly in the Ceded Districts and again in what are spoken of as the Western Polliams, —those of Chitúr &c. (North Arcot district), and the Southern Polliams in Madura and Tinnevelly

§ 8 *In the Ceded Districts.*

In the Ceded Districts they are thus described—

The Poligars were military chiefs of different degrees of power and consequence bearing a strong affinity to the Zamíndárs of the Northern Sirkárs. Their origin may also be traced to similar causes.

(1) Those whose territories were situated in jungly parts of the country and among the eastern hills, appear to have been for the most part freebooters or leaders of banditti who, for the preservation of internal order in the country had been expressly entrusted with the charge of the police, or had been allowed to take upon themselves that kind of service.

(2) Some of them derived their descent from the ancient Rájas, or those who held offices of trust under the Hindu governments.

(3) Some gained their territories by usurpation and force (as in the case of the poligars of Raidrúg and Harpanhalli)

(4) Others again had been renters of districts or Revenue officers who had revolted in times of disturbance. Even headmen of villages had attained the footing of Poligar chieftains, though on a small scale.

Though in some cases their incomes did not exceed a few hundred rupees, yet they kept up their military retainers and

their officers of State, and were regularly installed with all the forms and ceremonies of a prince of extended territories.

In these Districts they gave great trouble indeed, the Settlement Officer's time seems to have been divided between fighting the Poligars and assessing the villages. Munro wrote[1] The country is overrun with poligars. I am trying with the help of Dugald Campbell, General of Division here, to get rid of as many as possible but it will take some campaigns to clear them out.

And the state of the districts is thus described in Gleig's *Life of Munro* Probably no part of Southern India was in a more unsettled state or less acquainted either by experience or tradition with the blessings of a settled government. The collection of the revenue being entrusted entirely to Zamíndárs, Poligars and Potails (pátéls—village headmen) each of these became the leader of a little army and carried on destructive feuds with the villagers immediately contiguous to him. Bands of robbers wandered through the country plundering and murdering such travellers as refused to submit to their exactions. It is computed that in the year 1800, when the Ceded Districts were transferred to the Company's rule, there were scattered through them, exclusive of the Nizám's troops about 30,000 armed peons, the whole of whom, under the command of eighty Poligars, subsisted by rapine and committed everywhere the greatest excesses[2]

These were not the men who, even on their submission, could be permanently settled with. As a matter of fact, they have disappeared from the scene as territorial magnates, and only remain (in the Ceded Districts) as pensioners.

For the greater part the poligars of the Ceded Districts are now insignificant and poverty-stricken men. These descendants of old families come periodically to the cutcherry to draw their pension and men, whose fathers

[1] *Bellary D M* p. 1 7. For an account of the resistance of Nara Sinha Reddi, whom Munro directed to be hanged, see *Cuddapah D. M.* Arbuthnot, *Memoir* I. xcii.

rented the country a hundred years ago, are shoved into the cutcherry room and hustled out again by the lowest-paid peon[1]. In Karnúl, the poligars have also disappeared, and either receive pensions or are holders of inám lands.

§ 9 *Central Districts and Western Pollams.*

Very much the same remarks may be applied to the Carnatic districts of the west and south. A number of the District Manuals are full of narratives of resistance and troubles caused by the poligars and in some we hear of regular poligar wars, which have added not a few stirring pages to the military history of Madras.

In NELLORE, the poligar does not appear to have developed beyond being a revenue functionary—a sort of police superintendent attached to a collector—as he was in Chingleput. He was responsible for the peace of a circle of villages, and was remunerated by a meră —an allowance or share of the produce, from a little over 1 per cent. to 4 per cent. of the whole[2]. Such a position naturally resulted in claims to acquired rights over many villages but such claims have now been settled or compounded for by the grant of ináms, or revenue-free holdings[3].

In NORTH ARCOT there were great poligars, and here also we hear of poligar wars[4]. It is in this district that

[1] See *Cuddapah D. M.* p. 196. The writer goes on to describe the superstitions that these decayed families have; how they will not live in a tiled house but prefer a thatched one, and how they refuse even to look on the old poligars' forts for buried treasure—fearing the wrath of the ancestor spirit; and how *the ruined forts are invariably full* of custard apple trees, and not other fruits. The above quoted remarks are written in a kindly spirit which it is impossible not to respect. At the same time it should be remembered that, as far as the poligars were really old, rightful, and respected landholders, it was entirely their own fault that they rebelled, and did not submit; for had they behaved reasonably they would have got their sanads and the permanent Settlement. For the other class, usurpers and wrong doers, whose career had been one long course of grinding the poor raiyats, even if the prescription of years had *confirmed their possession*, they deserve scant sympathy.

[2] *Chingleput D. M.* p. 246; and so in South Arcot; *D. M.* p. 221.

[3] *Nellore D. M.* p. 552.

[4] *North Arcot D. M.* pp. 77–8. For curious account of how the poligars paid their peons, &c. by tankhas or orders for grain, &c., on the

we find the large estates (still existing) known as the Western Pollams (Chitúr &c.)

§ 10. *In the Southern Districts.*

In the Southern districts, we again hear of poligar wars in Tinnevelly it seems there also the poligars had 'over run the whole district. In Tanjore there are but thirteen small surviving pálaiyams, and in Trichinopoly three [1] In Madura, there were a number of poligars who were disposed to submit in 1799 so that it was actually proposed to form their lands into some fourteen pálaiyams (which had not resisted), while the rest would make forty Zamíndárí estates to be otherwise provided for [2]

§ 11 *General results of the Poligar troubles.*

In speaking of the land tenures we shall again notice what estates, derived from the poligar system, still exist we have here only to summarize the results of the struggle with the poligars as far as they affect the revenue-administration, and the attempt to introduce a Zamíndárí Settlement.

Speaking generally we may say that only a few of the larger and a certain number of smaller poligars accepted their position without resistance, or otherwise were allowed to become landlords with a permanent Settlement. The majority of poligars have disappeared, or are allowed compassionate pensions, or small revenue-free holdings.

§ 12. *General results of the attempt to introduce the Zamíndárí System.*

The result is indicated by a glance at the Settlement Map in Vol. I. The Zamíndárí estates are found chiefly in the North Eastern districts, and especially in the Ganjam and Vizagapatam districts [3] Some considerable estates are found in other parts chiefly west and south. But in

renters or others, and the troubl that resulted, see Tellore *D. M.* p. 262.

[1] *Trichinopoly D. M* p. 254.

[2] *D. M* Madura, Part V p. 83 (the parts are separately paged).

[3] But some of the Ganjam estates failed and broke up in 1809.

other districts only small scattered estates exist which could not be shown in the map these represent poligars, jágírdárs and a few relics of the artificial mutthá holder The Salem district affords a good example of this state of things.

This partial survival is a proof of how impossible it is to succeed with artificial arrangements designed to suit revenue theories, but not having grown up with the natural growth of the country [1] The large, old-established, and really respectable Zamíndárís (doubtless old Hindu or Dravidian Ráj representatives), have succeeded best. Even in the Sirkárs all the Zamíndárís did not survive. Dr Macleane speaks of the Godávari Zamíndárís as falling to pieces one after another [2] In the Kistná district the original Settlement was made with five Zamíndárs under this arrangement the raiyats were pillaged, and the Zamíndárs ruined themselves. By 1843 most of the *sanads* had been voluntarily surrendered [3] A large part of Kistná is now raiyatwárí.

§ 13. *Area now Zamíndárí.*

The amount of land now under Permanent Settlement is variously estimated at one-third to one fifth of the whole Presidency Possibly the larger estimate includes estates more properly denominated Feudatory States, which pay indeed, a fixed tribute, but are not British territory nor subject to ordinary Revenue-law [4] while the smaller excludes great estates like Vizianágram, which, however important, are still Zamíndárís, properly so called.

This proportion does not appear from Dr Macleane's

[1] Lord W Bentinck, who was Governor from 803—807 had sided with Munro. H was strongly convinced that th creation of Zamíndárs is a measure incompatible with the true interests of the Government and of the community at large Mr Thackeray Senior Member of the Board, was sent on tour nd he reported against the Zamíndárí system. But Mr. Hodgson, another member was in favour of it. Their respective minutes on the subject are in the Appendix t the Fifth Report Arbuthnot I. cxix.).

[2] Vol. ii. p. 4 1

[3] Vol. ii. p. 4 2.

[4] See Budget Statement, 1888–89. *Gazette of India*, March 3 st, 888, Supplement. (Printed in vol. I p. 364.) The really Feudatory st tes are Pudukotta Tondiman, Sandúr and the great estat of Banganapali (in all 1527 sq. miles)

figures. Taking the whole Presidency excluding Madras itself and the three States named in the previous note, the area is 139,274 square miles and the total Zamíndárí area is given as 19 957 square miles which is about one-seventh[1] But I suspect that Dr Macleane has excluded the great Vizianágram Zamíndárí from Vizagapatam, and some large areas in Ganjam. I prefer therefore, the Secretary of State s Statistical Tables (1886–7) which show the Zamíndárí area (not including whole *inám* villages) as 27 835 108 acres or nearly 43,492 square miles. The same tables give the Presidency area at 90,997 990 acres or 142 200 square miles, which is practically the same as Dr Macleane s. In this case the proportion is more than one-third.

There are no Zamíndárí lands in the districts of—

Anantapur	Karnúl,
Bellary	Nilgiri,
Cuddapah,	South Canara,

and only the Cannanore estate (of four square miles) in Malabar

In the following the area is under 500 square miles —

Chingleput,	South Arcot (37 sq. miles only),
Coimbatore,	Tanjore

Trichinopoly (has 667 sq. miles).

In the following districts the Zamíndárí area is considerable. They are arranged in geographical order beginning with the north —

Statistical Tables. Sq. m.		(Dr Macleane) Sq mi.	
15,048	Vizagapatam	1556	Zamíndárís.
5886	Ganjam	1480	
3314	Godávari	24 5	
1849	Kistná	1483	
2435	North Arcot	2790	Western Pollams Daraby
3625	Nellore	2594	Podulai, Venkatagiri.
1774	Salem	1771	
5266	Madura	2892	the great Southern Pollams Sivaganga, Ramnád.
1449	Tinnevelly	1446	

[1] Macleane vol. ii. Appendix lviii.

§ 14. *The Village Lease-system*

But, though the creation of Zamíndárí estates was no longer to be thought of, the authorities by no means gave up the idea of a permanent assessment for village estates with some form of joint or individual middlemen and we find as the next stage in Settlement policy the idea of three or five-year village leases steadily enjoined in all the districts they were to be followed by ten-year leases—always with a view to eventual permanency [1]

The result of the lease-system was by no means favourable on the whole. In fact, the true principles of assessment were not yet ascertained and those officers who like Munro had made the most progress in devising improvements, were the most opposed to a lease-system, and the most desirous of a raiyatwárí Settlement.

Several of the District Manuals give an account of the failure of the leases. Thus in Cuddapah, we read this state of things (the three-years lease and the ten years lease) lasted till 1821 and the inhabitants of this district still speak of those days as a veritable hell upon earth. Plundering and blundering was the order of the day It was one incessant scene of extortion from the under tenants, and of absconding and punishment of the renters [2]

In South Arcot, unfavourable seasons and low prices interfered, and when the decennial lease was tried, no better success was had [3]

In North Arcot the rents were in arrear the assessment being grievously excessive [4]

In Coimbatore, the three-year leases failed entirely and when a reduction was attempted in order to secure ten year leases, a number of still worse abuses arose [5]

Even in Nellore the system failed though the rates

[1] See despatch quoted in *Madras D M* Part V p. 8 1 We observe that the leases are intended as preparatory t the conclusion of permanent Settlements. We desire however it t be understood by you that we are by no means anxious for the early adoption of that system, &. This was in 8 1

[2] *D M.* p. 187

[3] *D. M* pp. 264, 270.

[4] *D M.* p. 08.

[5] *D. M.* p. 7

were low and the villages under good management ought to have afforded a surplus. The system, wrote the Collector in 1824, seems to have been followed by the same evils in this district as in others. Lands changed raiyats ousted accounts neglected industry checked mániyams (free-grants) usurped tanks allowed to go to ruin, cultivation carried on slovenly the Collector himself being at a distance from the people, had no longer that control which, when gently enforced, is doubtless beneficial to a society composed as that of the cultivators of India [1]

But in other cases, it must be admitted, the leases were fairly successful [2]

And even where the rent-system did not succeed, the most general cause of failure was over assessment, and this cause might have been removed without touching the system.

The Revenue chapters of the District Manuals are, in fact, most of them, a record of a series of experiments in assessments reductions and enhancements, changes in one direction and another following each other in somewhat bewildering order

There certainly was also a great deal of uncertainty about the nature of the leases. Had it been possible to hit upon a method which should have secured a renter and yet kept him from defrauding *either* the State *or* the raiyat, matters might have turned out well.

§ 15. *The Difficulties of a Lease-system.*

It is easy to discuss in general terms the comparative merits of a village-lease-system and a raiyatwárí system, but it is not by any means clear what a lease-system means when the actual details have to be prescribed.

Between any raiyatwárí system and any lease-system there is this general difference the raiyatwárí only assesses

[1] Nellore D. M. p. 527.

[2] It is also right to record that the Board of Revenue were not disposed to admit that the lease-system, as a whole, had failed, especially the decennial leases, when the Court of Directors announced the raiyatwárí system.

the field, or survey unit, and leaves the raiyat to hold it or not as he pleases, provided he gives notice of his intention at the proper time if he keeps the field he must pay the assessment that is all. The lease-system involves payment of a certain sum for a fixed area, whether the land is cultivated or not. It is no use for the middleman lease-holder to throw up his land, for that would not relieve him of his contract-liability This, it will be remembered is the case with all the Settlements on the village or Máhal system in Upper India.

But, accepting a lease as binding the holder to a certain sum for a certain area,—who should the holder be? Is he to be the headman of the village, with absolute powers as landlord over the villagers? Is he merely to be a sort of responsible director and to apportion the lands among the cultivating classes according to their own consent in the village assembly? Or should the body of the village landholders be the lease-holder in that case, of course, the corporate body (as ideal middleman) being jointly and severally responsible for the amount?

In North Arcot we find the Collector in 1801 acknowledging as a desirable object, the introduction of a system of village-leases, constituting the head inhabitants of each village[1] its renters, and making them jointly and severally responsible. But even here the country had been so reduced that the people feared the joint responsibility Still the Board desired to see a system under which the *proprietary inhabitants at large* of each village should enter into engagements with the Government, and derive a common and exclusive interest in the cultivation of their lands in proportion to their right of property[2] They thought it would diminish the amount of interference with the private concerns of the cultivators[3] The Collector on the other hand knowing the state of the villages, and the general absence of any joint interest, thought it would

[1] Meaning, I presume the heads of the families of the old-established cultivators.

[2] *North Arcot D M* p. 95.

[3] *Id.* p. 95 (and the local Government supported this view p. 96

really throw all the power into the hands of the headmen who would oppress the others.

In Tanjore, the villages sometimes possessed a proprietary class, whom we shall afterwards hear of as called mirásidárs. But they were impoverished, and the heads of families who held the leases were so much in fear of responsibility that a peculiar method known as the 'ulúngú system (ooloogoo) was devised, and long remained in force it was in fact a device for variable assessment, the *actual* outturn for each year being valued in a particular way Change after change was introduced into the system tending to simplicity and to a more fixed and average rate of produce and commutation price, but it long remained a mark of the difficulties of *artificial systems*.

§ 16 *Remarks on the Lease-system.*

Mr Dykes, the historian of the Salem district, has made some remarks on the lease-system, which, admirably as they are written, hardly do justice to the real difficulties of the case[1] No doubt where there is a strongly organized village where there really are well kept village accounts and a record of what every one ought to pay there the renter—or the headman himself if he were the lease-holder—would go to the village and discuss publicly under the wide-spreading council tree what each man had to contribute, and the poorest raiyat might be sure, that if the crops of the village could meet the total assessment demanded what he had individually to give would be within his means. No doubt also *if* there is a feeling of joint-ownership over the whole village, and therefore an acknowledgment of joint revenue-responsibility it is a sure check against the over assessment of the weak.

But the difficulty arises when, as in a great many—I might say the majority of—cases, the lapse of time and the changes effected by former Governments have left the villages in a weakened condition; where village accounts are not reliable, and regular assessments not on record

[1] I refer to the remarks quoted at page 16 of the *Salem D. M.*

where the raiyats absolutely reject the idea of joint responsibility and there is no backbone in the village—nothing of that strong spirit of union which equalizes all rights which knows what can be done and ought to be done by each member and makes the headman and the accountant keep their proper places.

Under such conditions, to devise a system whereby an adequate sum, just and fair in itself, should be fixed for every village, and a renter or other responsible person found to collect it and whereby both the spirit in the people and the means of acting should be resuscitated, so that the whole group should have a voice in the proper distribution of the burden,—that is a task which may be prescribed on paper but is next to impossible to realize in practice.

The elements of success must exist they cannot be created by any official scheme or system whatever The North-West Provinces and Panjáb systems are nothing else in substance but a realization of Mr Dykes ideal—not from any merit in the revenue-system as a system, but because of the facts historical conditions produced villages generally of the joint or landlord type the landowning classes *have* remained strong and united and when a village lump-assessment is fixed, they have, as a fact, a joint interest in the whole village, and a system of shares or plough holdings, or what not by which it can be distributed fairly and according to ancient custom and under which one sharer answers for the default of the other It is because of the impossibility of artificially creating such conditions of union, where, under existing circumstances, the villages do not possess them that all over Bombay Berár and Madras the concurrent experience—tending in various directions and starting from different points—has ultimately led up to the conclusion that a system of assessing each holding by itself, is the only really practical one. When in the Central Provinces that view was resisted, and proprietors—the proprietor being only a developed village renter or lessee—were artificially found, all manner of legal

difficulties followed in fulfilling the duty of protecting the rights of the raiyats till now we have the somewhat anomalous spectacle of landlords with tenants under them, but the tenant's rent absolutely independent of the land lord's will or consent.

§ 17 *The Board's Views.*

The Board of Revenue evidently clung as long as it could, to the hope that the lessee could be controlled by the action of the village body This hope was kept alive by the undoubted cases of survival of joint-villages in some districts, and by the results of such Settlements as Mr Lionel Place's of Chingleput in 1795. In 1814-15, they caused an inquiry to be made regarding the survival of joint village bodies, and the indications of their former existence. It is quite undeniable that *marks* of the former existence of proprietary bodies, whether originating in the families of conquering chiefs of superior caste or of cultivating partnerships (e.g the Karaikáran of Madura or the Visapadi of Cuddapah)—can be traced, as we shall see in our chapter on Tenures.

And it is open to any one to argue—at least very plausibly—that joint or proprietary villages had existed, commonly in all districts, but that their rights had been crushed out of existence by the theory of Muhammadan conquerors, and still more by misrule, and by long periods of oppressive revenue-farming, which caused it to appear (as Munro said of the Ceded provinces) that there was no private property in land, and that it seemed *at all times* to have been regarded as the property of the State. But even so it is not enough to have indications that a now disused institution once flourished the question is not one of historical truth, but of to-day's practice—is the right still practically vital?

The Board evidently thought it was[1] and so did many officers. The Board argued that the system of village-leases

[1] See their Minute of 5th January 1818.

or Settlements with a renter or with the whole body (and assuming of course that the renter would be under village public control) was desirable, because the system would adapt the revenue administration to the ancient institutions of the country and much is said about suiting the system to the people, and not attempting to bend the people to the system. It is obvious to remark that, unless the assumption is true that the requisite conditions actually survive the joint responsibility and public control which the village system presupposes, will not work. The villager as he is to-day declines to be responsible for his neighbour's failure, and does not appreciate a grant of the waste. It can hardly be doubted that to have forced the joint-village method on the existing villages of the northern and central districts, as a universal system would have been to create a proprietary class under the name of lessees, benefiting a few to the injury of the many and in fact offering an example of the very thing— bending the men to the system —which the Board so justly deprecated.

On the other hand, experience has shown that the raiyatwárí system—in that absence of any creative or artificially developing tendency which is one of its best features—is quite able to make special allowance for and do justice to exceptional tenures it can to any extent desired, practically give value to rights and customs of mirásidárs in Chingleput (if they call for recognition) as well as to proprietary tenures called narwá or bhágdárí in Bombay

§ 18 *Ultimate adoption of the Raiyatwárí Method*

The end of the lease proposals and the village system inquiry was that the home authorities (probably influenced by the opinion of Munro who visited England in 180,) finally decided for the RAIYATWÁRÍ SYSTEM [1]

[1] See Arbuthnot, vol. I. p. cxx. It was then alleged by the Court of Directors that the village system had been tried and failed. This remark was naturally open to criticism, as at best it was only true in a certain sense. But it might have been anticipated with confidence to fail if persisted in in a district where the circumstances of the villages were not adapted to it.

It was in a despatch of 16th December 1812 (paragraph 33), that the positive order seems to have been given by the Court of Directors. The despatch runs —

It remains for us to signify to you our directions that in all the provinces that may be unsettled when this despatch shall reach you, the principle of the raiyatwári system, as it is termed, shall be acted upon, and that where village rents upon any other principle shall have been established, the leases shall be declared terminable at the expiration of the period for which they may have been granted.

At that time the lease-system was generally in force and there were unexpired leases so that the orders could not be carried out at once. And the Board apparently had hopes of changing the Directors resolution since it was in 1814 that the Board commenced its inquiries into the *general* existence of a proprietary right in villages, and in 1817 made a draft of a proposed Raiyatwár Regulation (which was never passed), and on 5th January 1818 recorded its minute on the Settlements in different districts. The Court of Directors, however, finally affirmed the Raiyatwári system.

SECTION V.—DEVELOPMENT OF THE SYSTEM AS ILLUSTRATED BY THE BÁRAMAHÁL SETTLEMENT

§ 1 *Meaning of the term Settlement.*

At the outset of our consideration of the Madras Settlement system, it is desirable to bear in mind that though the word Settlement has now in official language become a generalized term, indicating the process of determining the amount of land revenue due from any village or district, in reality it has a meaning which varies somewhat with the circumstances of the particular province. In the Settlements of Northern India for example, there is something like a bargain struck between the landowner (or the village body) and the Government officer The assessment is announced of course, by the Settlement Officer after calculation according to his own rules and methods, but if the

landowner objects, he is heard and may be able to sustain his plea for an abatement; so that there is really a *Settlement* in that sense.

But in Madras (and so in Bombay) the system does not involve the preliminary determination of any person to be the proprietor and to accept the Settlement terms it goes straight to the land, and determines, according to its own rules and principles, what that field or survey unit ought to pay no matter who holds it. Of course objections as to rates would be listened to as elsewhere, and so far there is a Settlement of the amount of the land-revenue but on the whole, survey-assessment is the more appropriate term But Settlement may have another meaning Munro's remark that the term was used not for the money rate but for the extent of land indicates this It is the essential feature of a raiyatwári Settlement that every raiyat is free to hold or to relinquish whatever fields of his holding he likes, or to ask for other available numbers, provided all is done by a certain date. Hence an account or Settlement is necessary both to see what the raiyat has actually held and has to pay revenue for during the year as well as (in Madras) to determine the amount of any remissions he may by rule, be entitled to. So it is a feature of the raiyatwári system that besides the initial assessment of the land revenue there is an annual jama bandí or settling up with the cultivator taking account of any change in his holding as shown in his patta, and noting deductions (if the system allows any) from his total payment.

Bearing this in mind, we shall continue to follow the general usage in calling the process of determining the land revenue a Settlement. And we shall fall into no error in so doing, because, under the raiyatwári system, the annual Settlement, in the sense of Munro's phrase, is now generally known by the vernacular term jamabandí.

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SECTION V —DEVELOPMENT OF THE SYSTEM AS ILLUSTRATED BY THE BÁRAMAHÁL SETTLEMENT

§ 1 *Meaning of the term Settlement.*

At the outset of our consideration of the Madras Settlement system, it is desirable to bear in mind that though the word Settlement has now in official language become a generalized term, indicating the process of determining the amount of land revenue due from any village or district, in reality it has a meaning which varies somewhat with the circumstances of the particular province. In the Settlements of Northern India, for example there is something like a bargain struck between the landowner (or the village body) and the Government officer The assessment is announced of course, by the Settlement Officer after calculation according to his own rules and methods but if the

landowner objects, he is heard and may be able to sustain his plea for an abatement so that there is really a *Settlement* in that sense.

But in Madras (and so in Bombay) the system does not involve the preliminary determination of any person to be the proprietor and to accept the Settlement terms it goes straight to the land, and determines, according to its own rules and principles, what that field or survey unit ought to pay no matter who holds it. Of course objections as to rates would be listened to as elsewhere, and so far there is a Settlement of the amount of the land revenue but on the whole, 'survey assessment is the more appropriate term. But Settlement may have another meaning Munro's remark that the term was used not for the money rate but for the extent of land indicates this It is the essential feature of a raiyatwári Settlement that every raiyat is free to hold or to relinquish whatever fields of his holding he likes, or to ask for other available numbers, provided all is done by a certain date. Hence an account or Settlement is necessary both to see what the raiyat has actually held, and has to pay revenue for during the year as well as (in Madras) to determine the amount of any remissions he may by rule, be entitled to. So it is a feature of the raiyatwári system, that besides the initial assessment of the land revenue, there is an annual jamabandi or settling up with the cultivator taking account of any change in his holding as shown in his patta, and noting deductions (if the system allows any) from his total payment.

Bearing this in mind, we shall continue to follow the general usage in calling the process of determining the land revenue a Settlement. And we shall fall into no error in so doing, because, under the raiyatwári system, the annual Settlement, in the sense of Munro's phrase, is now generally known by the vernacular term jamabandi.

§ 2. *First Ideas of Settlement*

When Colonel Read[1] was sent to the Báramahál it does not appear that he was instructed to settle with the individual raiyat or to value individual fields the idea was rather to grant leases to the headman or the inhabitants of each village. At first these would be annual, but after the survey and inquiry had progressed, it was hoped that five years leases might be entered into both to encourage the lessees by giving them a fixed time free from apprehension of increase, and at the same time to secure the revenue. The assessment was to be so fixed that the inhabitants might be compelled with justice to adhere to the terms of Settlement for at least five years [2]

To begin with Read made a proclamation of a kaulnama (qaulnáma, or proposal for terms) offering annual leases to the pátels (headmen) of single villages or groups (hôbalis) of villages [3] The assessment was on the basis of the bériz, or recorded assessment of Haidar s reign, corrected by comparison with accounts of actual cultivation, and deducting some amount for expenses of servants employed in collecting (sibandi), &c.

But in the course of his inquiries, Read was led away from the idea of making leases of fixed areas for fixed sums to be paid uniformly for the whole term of lease. As he surveyed the villages field by field, he came round to the idea of assessing each according to its quality and leaving the raiyat free (which was in the end a very good test of the assessment) to keep the field or throw it up or take another provided only he gave notice, at the proper time of his intentions. This did not occur to Read all at once there were many restrictions (as we shall presently see), but the idea once entertained, the idea of a *lease* or village rent grew faint

Read in fact developed his own system without much regard to his instructions he finished the rather crude,

[1] *Salem D. M.* I. 207 Arbuthnot, I. xl, et seq.

[2] *Salem D. M.* p. 217

[3] The text of the proclamation is given in *Salem D. M.*, p. 2 2.

but still actual field to-field survey by 1798 and issued of his own authority a proclamation to the district explaining the terms of his (really raiyatwárí) Settlement. All this time the Board was expecting to hear that leases for five years had been arranged and they peremptorily demanded an explanation. The explanation did not come till long after for Read and Munro were called away to military duty by the renewal of war with Mysore. Meanwhile the consideration of what had been done was suspended by the abortive attempt to settle on the Zamíndárí system and when the adoption of the raiyatwárí system, which I have already described, was finally ordered, Read's work was found to be suitable.

The circumstance which led Read to prefer individual Settlements to leases which bound people to certain lands and certain payments for a term, was that he heard numerous complaints that binding the raiyats to the same lands for a number of years, despite constant changes in their stock and circumstances, produced considerable hardship[1] He accordingly at first, gave an option either of keeping lands under the lease, or under annual Settlements the latter mode allowing the raiyats to give up early in each year whatever lands they might not choose to cultivate for that year or to retain for any number of years what lands they liked, subject to payment of assessment, provided they gave intimation of their wishes at the beginning of each year[2] Munro did not at first see this but in the end he came round.

The system, however still required—what is quite foreign to the present system—that all resident cultivators should be bound to joint-responsibility for the rent (revenue) of all the lands that may be cultivated during the current year they will, therefore, be required to bind themselves to make good any deficit that may arise among them from inability by contributing the amount in proportion to their individual rents[3]

[1] Salem D. M. p. 220.
[2] For the proclamation itself see Salem D. M. p. 220.
[3] Proclamation, § 22.

§ 3. *Principle of Assessment.*

As to the method employed in assessing the lands when surveyed, it was assumed that the Government share was about half the produce of panja or dry land (unirrigated) and three-fifths of nanja or wet i.e. irrigated land, the three-fifths being reduced when there was not a full water-supply Making the necessary allowances, however for the deductions for the meré or grain-share by which the village artisans were remunerated, and for the vicissitudes of season, the actual shares were one-third for dry and two-fifths for wet lands.

These proportions had been calculated in kind (váram)[1] They were now to be commuted into money values.

The reduction to the smaller fractions mentioned would not affect the revenue totals much, because the survey (on the one hand) brought to light cultivation that escaped assessment and unauthorized free holdings, and also (on the other hand) abolished irregular cesses —devices which enable the cultivator and the renter respectively to bear up against the burden of excessive demands under native rule.

But the rates calculated in this manner still proved too high Munro predicted this, and from the first, advocated a reduction of from 15-20 per cent.

To ascertain the value of lands, wet and dry according to produce a classification was adopted[2] Several methods were tried of valuing the produce—one was the measuring or estimating the grain produce for the particular year and valuing it at current prices. This was called Ooloogoo or ulúngu, and was in force in some districts—I have already mentioned it in Tanjore—till finally abolished in 1860 or there might be a fixing of grain values, arbitrarily by aid of former accounts and experiments by reaping sample areas, and valuing the outturn; or thirdly

[1] This term, which enters into many compounds, represents the old plan of dividing the actual grain-heap; it is the batái of North India. The w ha the mel váram, the heap for the Rájá or the owner the kudiváram, or cultivator heap, &c.

[2] Given at p. 256 of the D. M.

the most difficult way is to *estimate* the Government share from the nature of the soil, and value it.

As the gradations of soil are infinite, averages were taken and by inquiry and comparison of the figures deduced from the old cultivation accounts of twenty years (from 1773-92) a full crop for each average soil was made out. Deduction was then made for failures uncultivated parts of areas, &c. and it was held (as above stated) that for dry land 69 per cent. and wet land 84 per cent. of a full crop was the *average yield*. This was valued at the average of selling prices for twenty years past.

But the resulting rates were again modified by grouping villages according to the advantages of their situation nearness to a great road was a disadvantage, because thieves plundered travellers cattle and the crops near ness to market was an advantage and so forth. Not only so but the officer actually tried to take into account faculty of cultivation as affected by the personal health and strength, the caste and habits of the raiyat, and by his reputation for affluence or poverty[1]!

The rates were finally adjusted by comparison with previous accounts of actual collection, so that a rate brought out by calculation could be reduced if it showed a figure that the accounts proved not to have been realizable.

Tables of rates so prepared applied only to the taluk, or part of a district, over which conditions were generally similar The payín-ghát and plain taluk rates would be different from those of the upland or bálaghát, for example.

Such rates are called Taram —rates affecting an average equal group or class[2]

In all the early raiyatwárí attempts, the Government revenue was taken as a *certain share of the gross produce* valued at fair rates. The resulting figures were largely modi

[1] See Read's own report, p. 261 Fifth R. At p. 263 will be found a specimen of Read's tables showing losses of wet and dry cultivation, with average produce varying from 440 Madras measures to 20 Madras measures, and money rates from R. 9-12-1 down to R. 0-1-9 an acre.

[2] The term Taram survives to this day for the soil-class rates of assessment. When a reduction of rates was first ordered in Salem, the event was noted as the taram-kami (kam = less).

fied with reference to the former revenue collections but those were very high indeed. In the Ceded Districts especially I notice that at first, hardly anything was attempted beyond taking the old rates and reducing them according to various considerations. In all cases it may be said that the first rates were too high and the general history of the different districts as given in the Manuals —whether raiyatwári or under lease—is one of a series of new hukmnámas or assessment orders, by which rates were experimentally lowered, raised, and lowered again, till in 1855 58 a general and systematic resurvey and revision was ordered, and the modern order of things began.

§ 4. *High Assessments how tempered*

There were various expedients, however adopted, which tended to temper the evil results of over-assessment. At that early date, and even up to 1855, only a limited portion of the arable land was cultivated, and in order to encourage waste cultivation special agreements or leases called cowles (qaul)[1] were issued, giving land free for the first year or years, and then at favourable rates.

A villager could then (practically) throw up an over assessed holding and take up other land, or his own holding after it had lain fallow for three years or so under a qaul This was *sub rosâ* of course and the Board ignored it; but in fact, in 1835 (I am speaking of Salem), more than 120,000 acres were held on qaul. In time, however measures were adopted to prevent the throwing up of regularly-assessed or old holdings for the sake of new land on *qaul* The raiyat was to throw up good and bad together in proportion—and so forth. These restrictions were both troublesome and ineffective. The *District Manual* devotes some pages to detail on the subject; but it has now no interest except as showing how the free right to hold or throw up land—which is

[1] Salem D M p. 217. Such were frequently issued and I believe to encourage the reclamation of land overgrown with prickly pear (*Opuntia Dillenii*).

the essential feature of a raiyatwárí system—was only by degrees recognized by the authorities. In fact, this freedom, though it involves variation in the yearly revenue and demands patience in waiting while land rises in value and comes into demand, is the greatest security against over-assessment.

As land rises in value an assessment, which was at first too high, becomes more and more tolerable, and then, with the increase of population, there is no unwillingness to hold: if one man throws up a field, another will take it. In the end, a well-assessed raiyatwárí taluk practically becomes as permanently held and cultivated as leased land[1].

It was not, however, till 1859 that the last restrictions on freedom of holding or relinquishing were taken away.

The only condition is that the relinquishment must be signified before the 15th July, i. e. within fifteen days after the commencement of the agricultural year, so that there may be time for other arrangements to cultivate the land.

Section VI.—The Settlement of the Ceded Districts.

§ 1. *Munro's Views.*

In Sir A. J. Arbuthnot's *Memoir of Sir T. Munro* will be found a series of letters and minutes, which (besides dealing with Malabár and Kánara, reserved for separate treatment in these pages) contain his suggestions on Read's plan for Salem, and also his own account of the procedure adopted in the Ceded Districts.

One of his first criticisms on the Salem system was the opinion that no additional rate should be levied in consequence *of improvements effected by the raiyat's own* expenditure and exertion[2]. This meant, that any known and tangible work should not be directly taxed: for of course, under any system of assessment, all cultivation being the

[1] See Munro's exposition of this. Salem D. M. p. 438 (vol. I).
[2] Arbuthnot, vol. I. pp. 39, 40. Arbuthnot, vol. I. p. 19.

result of expenditure—gradual and intangible,—of labour and capital, such efforts must be taxed to some extent nor is this of any consequence provided a substantial profit is left to the cultivator

The recommendation, however bore fruit in the determination not to assess *wells* sunk, so as to raise the assessment over what the general value and character of the land (apart from the effect of the well) would warrant. This rule was adopted in 1852, more than half a century after the minute was written.

The same minute advocates the freedom of raiyats in holding or relinquishing what fields they desire, on which I have already remarked. But at first Munro was inclined to adhere to the principle that the raiyats should not be allowed to select all the good and reject all the bad fields, but be obliged to take the good and the bad together according to the custom of the country[1]

§ 2 *Complete Raiyatwárí not at first contemplated.*

It is to be remembered that Munro's first raiyatwári idea was a sort of intermediary between a lease and an individual Settlement, i. e. he contemplated having a lease to some extent but the proportion to be paid by each raiyat was to be determined, consequently he would maintain the joint responsibility because a lease Settlement cannot be permanent unless individual losses are collected from the great body of the farmers[2]

As to Munro's own work in the Ceded Districts (1801 7), it has already been remarked that at first his plan very much more depended on a just distribution and equalization of existing known assessment figures (derived from the accounts of former Governments, and from tradition and discussion with the people) than on an independent classification of the soil of fields, the ascertainment of total produce the Government share and the valuation in money of that share He informs his subordinates in the Ceded Dis

[1] Arbuthnot vol. I, p. 113.
[2] *Min. on Lease Settlement* Arbuthnot vol. I, p. 43.

tricts that there are three ways of assessing[1] (1) To take the known revenue of a district (i.e. a taluk or specified portion of the area) and then distribute it over the villages and ascertain kulwár[2] the payment of each person (2) to take a single village total and distribute it (3) to take each individual field and add the sums to give the village total. In either case the end was to determine *each raiyat's revenue* payment on the lands he held, and to assess culturable waste at the *average* of cultivated lands of the same kind in the village.

In adopting the first method, free and public inquiry was resorted to and he found that the people of one village, unwilling to bear too great a proportion for their own village, would at once disclose the real value and resources of the other villages.

In the village-total method (2) he also reckons on the villagers assembling and discussing the distribution. The headmen know that a certain sum must be levied, and the discussion of its division and the playing off of one interest against the other would result in a fair distribution of the burden.

§ 3 *The actual Raiyatwári Method.*

The third method (3) is described as the most difficult,—assuming that it began by deducing a rent from previous accounts and considering whether it was too high or too low but when the *survey is completed* an ascertainment of the value of each field is possible. Munro does not describe any particular method of classifying soils, or valuing the grain. The plan of taking dry and wet and totakál (garden or improved land), with the usual variety of soils, black-cotton, red, &c., and arranging tarams, was assumed to be understood[3]

[1] The papers are given at length in Appendix C to Arbuthnot, vol. II.

[2] This term is often used by Munro for the raiyatwári or individual assessment it means kul all and every and wár according to—the Settlement according to each and every one's individual amount.

[3] The survey was made between 1802 to 1805, and the classification of soils between 1804 to 1806. Before the rates came fairly int operation the lease system (3-5-10 years' leases) was ordered.

Pattas or sheets showing the survey fields, assessments and remissions allowed, were to be issued to each raiyat.

When the orders for the village rent-system (leases from three to five years) came out, Munro remonstrated and a letter written in 1806 gives his defence of the kulwár system. He here notices how much he relies on the fact that where there were headmen as managers, they were able to apportion the village totals, 'the raiyats from having been long accustomed to be guided by them, readily agree to what they fix or propose, as it is usually what they know themselves to be the proper rent'[1]. It is also here mentioned that in Cuddapah the visápadi or sixteenth villages comprise a considerable part of the (Cuddapah) province. These are the shared villages which we shall hear much of in the section on Land Tenures and here, of course, the share of each man was known[2].

Had this principle of action been really possible everywhere it is probable that the village lease-system would have in practice nearly coincided with Read and Munro's individual assessments, and would have had a different fate[3]. But, in fact, districts varied, and in many cases, fair assessments that did not require constant 'tinkering' were not known former accounts were not to be had or were unreliable recent accounts were falsified or neglected and the power fell into the hands of the renter, while the village opinion did *not* control him, hence the resort not only to the *individual revenue-assessment* (which every system supposed to be fixed) but to the different methods

[1] Arbuthnot, vol. ii. p. 360.

[2] The proper rate of assessment, says Munro, is found either by reference to the accounts of former years or by comparison with the rent of lands of the same quality which have long been nearly stationary (Arbuthnot, vol. ii. p. 36.)

[3] If a village lease is given out at a lump-sum for a term of years, with a renter or headman as nominal lessee so long as the distribution to each cultivator is known and regulated under the village council, and cannot be transgressed the system is practically raiyatwári; the lease is a name only and the renter is a mere collecting machine confined to such profits as the lease contemplates; but directly the village-payers cannot control him and he begins to oppress and exact then he is a renter or middleman—soon slips into the position of landlord, and the others become his tenants, to be rescued afterwards by more or less difficult legislation as to occupancy and rent enhancement.

of ascertaining field rates, and removing every intermediary between the State and the individual-holder.

§ 4 *Munro's Defence of the Raiyatwárí System.*

When a district has been surveyed and the rent of every field *permanently* fixed, wrote Munro the kulwár Settlement becomes extremely simple for all that is required is to ascertain what fields are occupied by each raiyat, and to enter them with the fixed rents attached to them, in his patta their aggregate constitutes his rent (revenue) for the year He cannot be called on for more, but he may obtain an abatement in case of poverty or extraordinary losses. He has the advantage of knowing in the beginning of the season the fixed rents of the different fields which he cultivates

'The kulwár Settlement, though it may appear tedious when compared to the village one, is, however not only better calculated to realize the revenue, but is, on the whole, a saving of time, because when it is once made there is no further trouble but in the village Settlement there is so much room for malversation, for many disputes between pátels and the raiyats about extra collections on the one hand and the withholding of rents on the other that more time is consumed in inquiring into these matters than in the original Settlement.

The Honourable Court of Directors seem to be apprehensive that too much must be left in the kulwár Settlement to the agency of native servants, but it does not appear to me that such agency can be dispensed with, or that when properly controlled, any serious evil can result from its employment Without it the most experienced Collector could hardly make the Settlement (jamabandí" he means) of the villages in a whole year When the rent of every field has been fixed by survey there is little room for abuse it cannot be against the raiyat, but may be in his favour because it can be effected only by reporting cultivated land as waste or by obtaining remissions on false pretences of poverty but it has already been shown that from the public manner in which the Settlement is conducted and the *contending interests of the raiyats*, either of these modes of injuring the revenue can never reach to any extent or be long concealed.

Id. p. 365. Permanent, that is, as opposed to a provisional rent: it has nothing to do with the question of a permanent Settlement.

§ 5 *Its Contrast with the Zamíndárí System.*

In 1807 Munro wrote an able paper contrasting the small raiyatwárí proprietor with the Zamíndár[1] This it is of no use to quote in detail, because it is impossible that a general Zamíndárí Settlement can be revived but after stating the supposed advantages of the interest which the Zamíndár would take in revenue management—knowing so much more of the circumstances of the raiyats than a Collector could, after allowing for the hope that he would improve the estate with his capital, and that he would relieve the Government of details and lessen the number of revenue accounts and the cost of collection, he contrasts the risk of the Zamíndár absorbing all the benefits and rackrenting his tenants, or else that of his failing and breaking down. For the raiyatwárí system he urges that it requires no artificial restraints to prevent division of estates it admits of all gradations from petty owners to great. It is better adapted to preserve simplicity of manners and good order because every ryot will on his own estate be proprietor farmer and labourer because a great body of small proprietors instead of a few Zamindars or mutthadárs, will be interested in supporting Government. It may also be said that it is better calculated to promote industry and to augment the produce of the country because it makes more proprietors and farmers and fewer common labourers because the raiyat would be more likely to improve his land and the small proprietor being a better manager and farmer is more immediately interested than the great one in the cultivation of his land would bestow more pains on it, and make it yield a more abundant crop. He adds that the raiyatwárí system, by retaining in the hands of Government all unoccupied land, gives it the power of gradually augmenting the revenue without imposing any fresh burden on the raiyats. He denies that the account system is more troublesome.

[1] This with some other minutes is in the Appendix to the *Fifth Report*, and Arbuthnot, vol. I. pp. 94–99.

When a country is surveyed and the rent of every field fixed, the accounts become perfectly simple—they are nothing more than a list of raiyats and fields and as karnams (village accountants) must always be kept, there is no more difficulty in getting from them an account of a hundred raiyats than one mutthádár The fluctuation in the revenue would be gradually lessened as the raiyats became attached to their farms, by the benefits of a low assessment and retaining them as a lasting possession instead of changing them partly or wholly almost every year "

It would never amount in one year to more than 10 per cent. on the aggregate of districts, and would scarcely ever be above five.

The public ought certainly to be regulated in some degree by the private revenue of the country but nothing can be more contrary to this principle than the Zamíndárí system, for it fixes the public demand now which must remain the same thirty or forty years hence, whatever addition may have been made to private property in that time.

'When remissions are granted for calamity or other cause, it gives the whole of it at once to the raiyats" and there is no one to intercept the benefit.

§ 6 *Cause of the Defects of the Early Settlements.*

It should be here remarked that, while the main outlines of the raiyatwárí system were thus laid down, a definite principle of assessment based on a just valuation and calculation checked by but not dependent on, former records, was not yet understood. To this fact may be attributed all the defects of the early Settlements and their repeated failure from being too highly pitched, either positively or relatively to low rates of prevailing price. It was the necessity for modifying and devising all sorts of temporary expedients of reduction that led to the different systems of revenue-collection (sometimes, but very wrongly described under the head of tenures') that are to be found in the books.

§ 7 *Old Systems of Revenue Collection.*

As the reader may be puzzled by the terms that occur in the reports, I may here mention that while the Settlements were being made and money rents from one cause and

another were not known or could not be employed, or had to be reduced, the following expedients were adopted —

(1) (only adopted as a temporary and preliminary measure). The amání or direct system. This simply consists in taking the actual share of the grain. It is also called the *ásíra* or sharing system. In Tinnevelly, for instance, for several years such a system was in force on the paddy lands (wet cultivation). An army of Government servants was employed to measure out the three months crop (*kár*=crop) harvested in September and to divide it equally between the Government and the raiyats The Government grain was stored in granaries in different villages, and kept until the rise of prices made it profitable to the Government to dispose of it. As the five months (pashanam) crop ripened in January its extent was ascertained by inspection, and its probable outturn estimated by persons employed for the purpose when the whole was estimated a price was fixed at the jamabandí (annual Settlement) and the Government share or three-fifths of the whole was sold to the raiyats at that price. Whatever remained at the time in the Government granaries of the previous crop was at the same time sold to the raiyats at the same price, and the whole of the money demand then became payable[1]

The *visápadi* system was merely a method of dividing the revenue assessed under the village system according to customary shares in which the village body held their land. It involved the curious condition that if any one thought his share over and that of his neighbour under assessed, he had a right to demand that the latter be made over to him at an increased rate, which he named in exchange for his own. But should the neighbour assent to the enhanced rate the exchange was not actually carried out, but the complainant was allowed a proportionate reduction on *his* land

The *úlungú* (ooloogu) system prevailed in Tinnevelly

[1] *Tinnevelly D M* pp. 71 and 72.

and for a long time in Tanjore. In the latter district it was adopted, as I have stated, because the joint-village owners could not be prevailed on to accept the rates offered on the three years lease plan of Settlement. The ulungu system has now been abolished, except, I believe, in one small village.

As described in detail in the *Tanjore Manual* it seems terribly complicated but it really reduced itself to a system of computing in money the actual grain-share for the year (valuing it by current prices) the trouble and uncertainty of this being progressively reduced by attempts to arrive at something more like an *average* produce and an *average* price for assessment purposes[1] The system was somewhat complicated, says the author of the *Tinnevelly D Manual* briefly put, it consisted in the commutation of an assumed or estimated quantity of produce, at a standard or fixed price modified by the current price of the day

The average estimate of produce was calculated on the outturn of certain given years (according to the district circumstances) and the standard price on the average of certain specified years. If the current price was less than 10 per cent. above the standard the standard was taken if more, the excess only was added to the standard price to give the commutation rate for the year On the other hand, if the current price was not more than 5 per cent. below the standard, the standard was taken and if more than 5 per cent. below then the excess beyond the 5 per cent was deducted from the standard and the balance formed the commutation rate.

The Mucta system (b'il mukta = in the lump') of assessment occurred under that method of Settlement (noted above by Munro) where a village assessment was fixed in the total and the raiyats distributed it as they pleased. But the distribution once made lasted as long as the lease or Settlement.

The Mutafairal system was similar It was noted in Tanjore as succeeding the ulungu[2] It is practically almost

[1] See the *Settlement Manual* 1887 p. a.

[2] D. M. pp. 73-4.

exactly like the báchh in a North Indian Settlement, only that the latter goes into more detail to equalize rates and supervise the distribution according to the soil and general value of each holding In Tanjore the lump-sum was ascertained without a field to-field classification, but on a comparison of the highest and lowest grain produce, valued at certain average rates, and calculated out for an average area of cultivation, the whole being freely discussed by the villagers and with the aid of a panchâyat[1]

§ 8 *Old Dittam Settlement.*

It only remains to add, in taking leave of the old system, that while it involved an annual settling up or jamabandi (as at present) at the *end* of the chief harvest determining the lands held by each raiyat, and the remissions he was entitled to on the standard assessment of those fields, there was also a Dittam Settlement or preliminary estimate made by the tahsildárs at the *beginning* of the season—a kind of forecast of what each raiyat *would* hold and cultivate, and what crop he would sow The curious will find it described in the *Salem Manual*[2] At first great importance was attached to this proceeding, but it has now been abolished for many years.

§ 9 *Summary of the Old System*

Mr Nicholson, in his *District Manual of Coimbatore*, has given us a very good abstract of the principles and results of the old revenue system[3] The officers of those days recognized the system of dealing with each raiyat as one which was the really ancient system of the Hindu kingdoms they endeavoured to survey and register every field and give every holder a lease or patta, showing what he held and what he was to pay this was settled first at

[1] A long account of it is given at pages 388 6 8. For reasons stated, the Collector could not carry out his Settlement on an independent classification and valuation of fields; and in 1831 he adopted a lump-assessment (Mootafaisal as it is there corruptly written), which the mirásidárs (there are joint villages in Tanjore) distributed. After much correspondence this system was sanctioned in 1859.

[2] p. 361 vol. I.

[3] See pages 107 and 108.

another were not known or could not be employed, or had to be reduced, the following expedients were adopted —

(1) (only adopted as a temporary and preliminary measure). The amání or direct system. This simply consists in taking the actual share of the grain. It is also called the ására or sharing system. In Tinnevelly for instance, for several years such a system was in force on the paddy lands (wet cultivation). An army of Government servants was employed to measure out the three months crop (kár = crop) harvested in September and to divide it equally between the Government and the raiyats The Government grain was stored in granaries in different villages, and kept until the rise of prices made it profitable to the Government to dispose of it. As the five months (peshanam) crop ripened in January its extent was ascertained by inspection, and its probable outturn estimated by persons employed for the purpose when the whole was estimated, a price was fixed at the jamabandí (annual Settlement) and the Government share or three-fifths of the whole was sold to the raiyats at that price. Whatever remained at the time in the Government granaries of the previous crop, was at the same time sold to the raiyats at the same price, and the whole of the money demand then became payable[1]

The visápadi system was merely a method of dividing the revenue assessed under the village system according to customary shares in which the village body held their land. It involved the curious condition that if any one thought his share over and that of his neighbour under assessed he had a right to demand that the latter be made over to him at an increased rate, which he named in exchange for his own. But should the neighbour assent to the enhanced rate the exchange was not actually carried out but the complainant was allowed a proportionate reduction on *his* land

The ulungú (ooloogu) system prevailed in Tinnevelly

[1] *Tinnevelly D M* pp 71 and 72.

and for a long time in Tanjore. In the latter district it was adopted, as I have stated, because the joint village owners could not be prevailed on to accept the rates offered on the three years lease plan of Settlement. The ulungu system has now been abolished, except I believe in one small village.

As described in detail in the *Tanjore Manual* it seems terribly complicated but it really reduced itself to a system of computing in money the actual grain-share for the year (valuing it by current prices) the trouble and uncertainty of this being progressively reduced by attempts to arrive at something more like an *average* produce and an *average* price for assessment purposes[1] The system was somewhat complicated, says the author of the *Tinnevelly D Manual* briefly put, it consisted in the commutation of an assumed or estimated quantity of produce, at a standard or fixed price modified by the current price of the day

The average estimate of produce was calculated on the outturn of certain given years (according to the district circumstances), and the standard price on the average of certain specified years. If the current price was less than 10 per cent. above the standard the standard was taken if more, the excess only was added to the standard price to give the commutation rate for the year On the other hand if the current price was not more than 5 per cent. below the standard, the standard was taken and if more than 5 per cent. below then the excess beyond the 5 *per cent* was deducted from the standard and the balance formed the commutation rate.

The Mucta system (bil muktaᴈ in the lump) of assessment occurred under that method of Settlement (noted above by Munro) where a village assessment was fixed in the total and the raiyats distributed it as they pleased. But the *distribution* once made lasted as long as the lease or Settlement.

The Mutafaisal system was similar It was noted in Tanjore as succeeding the ulungu[2] It is practically almost

[1] See the Settlement Manual, 1887 p. a.

[2] D. M. pp. 73–4

exactly like the báchh in a North Indian Settlement, only that the latter goes into more detail to equalize rates and supervise the distribution according to the soil and general value of each holding In Tanjore the lump-sum was ascertained without a field to-field classification, but on a comparison of the highest and lowest grain produce, valued at certain average rates, and calculated out for an average area of cultivation, the whole being freely discussed by the villagers and with the aid of a panchâyat[1]

§ 8 *Old Dittam Settlement*

It only remains to add, in taking leave of the old system that while it involved an annual settling up or jamabandi (as at present) at the *end* of the chief harvest, determining the lands held by each raiyat and the remissions he was entitled to on the standard assessment of those fields there was also a Dittam Settlement or preliminary estimate made by the tahsildárs at the *beginning* of the season—a kind of forecast of what each raiyat *would* hold and culti vate, and what crop he would sow The curious will find it described in the *Salem Manual*[2] At first great im portance was attached to this proceeding, but it has now been abolished for many years.

§ 9. *Summary of the Old System*

Mr Nicholson, in his *District Manual of Coimbatore* has given us a very good abstract of the principles and results of the old revenue system[3] The officers of those days recognized the system of dealing with each raiyat as one which was the really ancient system of the Hindu king doms they endeavoured to survey and register every field and give every holder a lease or patta, showing what he held and what he was to pay this was settled first at

[1] A long account of it i given at pages 588 618. For reasons tated, the Collector could not carry out his Settlement on an independ at classification and valuation f fields; and in 1831 he adopted a lump-assessment (Moafazal as it is there corruptly written which the mirásdárs (there are jul t illages in Tanjore) di tributed. After much correspondence thi system was sanctioned in 1859.

[2] p. 261 v I. I.

[3] See pages 107 and 108.

the dittam,—the preliminary or estimate-Settlement just mentioned, and then finally at the jamabandi, which was made after the chief harvest and showed what *actually had been*

The raiyat paid full rent (revenue) for his cultivated land, and one-third or one-fourth for land held as grazing his "dry" land had at first little or no sale value his "wet" land was so highly assessed as to be often valueless as transferable property but most of the raiyats had garden land, and some wet that was valuable.

The theory was just as at present it was that land was taxed and not the person, so that a raiyat could increase or diminish his revenue payments by changing the component fields of his farm. But this theory was marred by the safeguards that it was thought necessary to impose for the security of the revenue. The old rule had been that if some raiyats ran away those that stayed made good the deficit this was not long retained, but some survival of it was preserved in the shape of restrictions on relinquishment. The raiyat in affluent circumstances was not allowed to give up a field unless he could get another raiyat to take it, or unless he would consent to take up waste bearing an equal assessment. Even the poor raiyat must give up good and bad together in equal proportions. Another very objectionable feature was the treatment of garden land, which always produced two crops in the year The theory being that 40 per cent. of the gross produce was the Government share, it came to this, that the assessment was about four times the rate on dry land though the garden was largely due to the raiyat's own labour and to the well which he had sunk. Then the survey and assessment had to be so rapidly done, that there were very great inequalities. In Coimbatore, for instance, the northern division was surveyed in a little over a year and the southern division in about two years; it was impossible especially in the confusion of the days immediately following war and

annexation, to settle satisfactorily so large an area in so short a time.

The assessments too were, as I have said, largely dependent, not so much on estimates of produce,—very roughly calculated, in comparison with what was afterwards done—but on former assessments, which had been run up to a high pitch under the Mysore Government or the Nawáb as the case might be. Such rates were liable to become intolerable when grain became very low in selling price—as it did for a number of years.

Hence various devices were consciously or unconsciously allowed to mitigate the burden such as calling land grazing land and letting it at one-fourth of the assessment, or allowing cowles for cultivating what was called waste, at favourable rates.

All this has now given way to careful survey and deliberately framed and carefully equalized assessments the extra taxation of garden lands as such, has long been abandoned and there is therefore no occasion for any irregular devices to mitigate the pressure of the revenue.

CHAPTER II.

THE MODERN SETTLEMENT SYSTEM

SECTION I.—SURVEY AND SETTLEMENT DEPARTMENT

THE modern Settlement system requires the co-operation of two branches—the Revenue-Survey and the Settlement Office.

The Survey is now confined to Revenue-surveying until recently it also had a topographical department, the work of which was made over to the Imperial Survey in 1886[1]

The Presidency contains approximately 141,617 square miles. The Revenue Cadastral Survey does not extend to Zamíndárí or other estates permanently settled, nor to proprietary villages held on 'inám throughout and other estates not under raiyatwárí Settlement. Estates of this kind are generally topographically surveyed and mapped on 1 inch = 1 mile[2]

The table given on the following page shows the progress of the Survey work.[3]

The village maps show every field, besides the leading topographical features they are plotted on a scale of 16 inches to the mile, and are reduced and printed (by photo-

[1] G. O. No. 692 (and letter No. 603), dated 20th July 1886.

[2] Macleane (*Survey*), p. 91. G. O. No. 315, dated 22nd March, 1887. I see however, that detached estates and shrotriyams and agrahárams (forms of revenue-free or lightly-assessed estates) and some others, are occasionally mapped on the scale of 4 inches = 1 mile.

[3] Being enclosure No. 5 to G. O. No. 984, dated 7th October 1887

Statement showing the Extent surveyed and remaining to be surveyed in each of the undermentioned Districts up to 31st March, 1887

Districts.	Area in square miles.	Surveyed, square miles.			Remaining to be surveyed sq. miles.			
		Revenue.	Topographical.	Total.	Revenue.	Topographical. For Madras Survey.	Topographical. For Survey of India.	Total.
		3	4	5	6	7	8	9
Districts surveyed and under survey.		Survey Area.			Estimated Areas.			
Ganjam	8311	1661	3451	5112	..	..	3199	3199
Vizagapatam	17,380	169	10,473	10,642	613	295	5830	6738
Godavari	7345	2880	4465	7345				
Kistna	8471	5454	2066	7520		951		951
Karnool	7788	4839	2949	7788				
Bellary	5590	2293	307	2600	2925	65		2990
Anantapur	5417	1907	431	2338	3079			3079
Cuddapah	8738	3429	5309	8738				
Nellore	8739	4232	4507	8739				
Chingleput	2842	2096	746	2842			...	
Madras	27	27		27				
North Arcot	7503	2851	4652	7503				
South Arcot	5132	4657	475	5 32				...
Salem	7729	3611	4118	7729				
Coimbatore	7804	5 69	2635	7804				
Nilgiris	957	444	513	957			...	...
Malabar	5763	266	854	1120	2245		2398	4643
Trichinopoly	4742	2697	945	3642			1100	1100
Tanjore	3654	379		379	2224	1051		3275
Madura	8402	3074	5122	8196			206	206
Tinnevelly	5181	3080	1719	4799			382	382
Total	137,715	57,215	53,737	110,952	11,083	2365	13,315	26,763
District not yet taken in hand.								
South Canara	3902	...			2,512	...	1390	3902
Total	141,617	57,215	53,737	110,952	13,595	2365	14,705	30,665

[1] Alteration due to excess of area found on survey.
[illegible] square miles of Wynaad [illegible] first surveyed topographically and afterwards cadastrally have been shown only under column 3, Revenue Survey, to avoid repetition.
[2] These figures denote estimated areas untouched by survey.
[3] According to the Census of [illegible], the area was [illegible] square miles.

zincography) on the 8-inch scale. Taluk and district maps are compiled from these on a scale of 1 inch = 1 mile[1]

Topographical and Atlas Sheet maps are also prepared but do not concern our present purpose.

The Settlement Department was first organized in 1858. In 1855, less than one-fifth of the area of the Presidency was cultivated. The early surveys, though done as well as the state of establishments at the time permitted, were imperfect, and were made without preliminary demarcation: they only extended to a few districts and the records were not always fully preserved. The defects of the Settlements have already been explained. A general revision Settlement was determined on in 1855[2] and the first Director of Settlements was appointed in 1858.

At present (since 1886) the Settlement is directed by a Commissioner of Revenue Settlement, who is also Director of the Department of Land Records and Agriculture. He is one of the Commissioners who collectively form the Board of Revenue as reorganized in 1886. There are two Assistant Commissioners and on important works one of them takes charge of the field establishment. At present five working parties are organized: a party consisting ordinarily of a Deputy Commissioner of Settlement, his assistant, and an office establishment. There is also attached to each party a field establishment under a Supervisor of Assessment consisting of four head Classifiers, and thirty Classifiers (for soil inspection)[3].

It will be observed that the Settlement operations in progress are conducted by a staff entirely separate from the District Revenue Staff, the Collector, Assistant and Deputy

[1] This is prescribed in G. O. 20th July 1886, No. 602. For some time past maps have also been prepared on ½-inch = 1 mile scale.

[2] G. O. No. 951 dated 14th August, 1855, and Despatch of Secretary of State dated 17th December 1856. The staff under the Superintendent of Survey has hitherto been entirely separate from the Settlement Staff; but orders (vide No. 315, dated 22nd March, 1887) have recently directed that the Survey subordinates should be instructed in Settlement work so as to make them available.

[3] *Manual of Revenue Settlement Department*, p. 39.

Collectors Tahsildárs, and Revenue Inspectors. But, as has already been stated in the general introductory chapter in future the abolition of a separate Settlement Staff is everywhere contemplated. The records, kept correct from year to year will never need entirely renewing and any future re-assessment will merely be a revision of *rates*, on the soil classification and other data already recorded, and so can be done by the ordinary district staff[1]

Section II —The Procedure of Settlement

§ 1 General Features

Such being the working machinery I may at once proceed to the detail of its methods. The Raiyatwárí Settlement might be more correctly described as a Survey Assessment, and may be defined in terms which are as true of Bombay as they are of Madras[2] Dr Macleane says it is the division of all arable land whether cultivated or not, into fields and the assessment of each field at a fixed rate for a term of years[3] I have substituted field for block in the original, for the assessment of *blocks* of fields, though at one time recommended, was given up[4] The occupant pays the revenue so assessed on the area he actually occupies. This area may be constant or may be

[1] This will be possible as the result of the recent Survey Settlement but it would not have been so till the Settlement had made the progress now attained. As a matter of fact in 1864 it was actually proposed to put the Settlement under the District Staff, because it was thought that the local experience of the District Officers was otherwise lost. In some districts the change was tried, but it did not succeed. After some discussion the separate Settlement Staff was confirmed in 1874. In 1879, for financial reasons, the [illegible] was abolished, and the Department controlled by a Member of the Board. In 1883 the (re-constituted) Director became Director of Agriculture and Land Records, and in 1886 the changes already recorded took place.

[2] As to the use of the term Settlement see the remarks in Chapter I, p. 32, ante.

[3] Macleane (*Revenue Settlement*) p. 103.

[4] In G. O. No. 201 of 15th Feb. 1876, the Government ordered the system of assessing blocks to be given up. At present after the field-to-field classification is made (by the classifiers, head classifier and supervisor) fields of similar soil are grouped together into blocks, chiefly to enable the result of classification to be recorded conveniently in the descriptive memoirs, and illustrated by the eye-sketches of each village.

varied from year to year by the relinquishment of old fields and the taking up of new which are either available as waste, or as given up by some one else. The occupant deals directly with the Government, and is responsible for no one's revenue but his own. He holds in every case a 'patta' showing his fields and the revenue assessed. Every year an annual settling up, or 'jamabandí,' takes place, at which the patta of each raiyat is tested, and, if need be, corrected, to see what land he has actually held, and what remissions, if any he is entitled to, on the full revenue of his holding. The annual 'jamabandí' will be described in more detail in the Chapter on *Revenue officials and Revenue business*. It is noted here as being an essential feature of the raiyatwárí system.

It is stated that, in the Madras Presidency there are two *and a half millions of raiyats, holding on a general average* eight acres each[1].

For facility of description I may divide this subject into the following heads or stages of progress:—

1. Demarcation of boundaries } by the Survey
2. Survey } Department.
3. Inspection }
4. Classification of soils }
5. Assessment } by Settlement
6. Matters subsequent to assessment } Department.
7. Records of Settlement }

§ 2. *Demarcation and Survey*

The Act XXVIII of 1860, as amended by (M.) Act II of 1884, provides for the demarcation of villages and fields, for the settlement of boundary disputes[2] and the preservation of survey and boundary marks.

The proceedings of demarcation and Survey commencing

[1] In Bombay the average varies—eight acres in the north, thirty-two in the centre and twenty-three in the south. For a general estimate of the acreage of different kinds of estates, see the Chapter on Land-Tenures.

[2] Madras Regulation XII of 1816 provides for the settlement of certain kinds of cases depending on boundary disputes.

a Settlement, are opened by a notification in the *District Gazette* —a publication special to this Presidency

Villages and main divisions of villages are demarcated, every turn of the line being marked irregular boundaries are adjusted and small hamlets amalgamated and very large villages subdivided. The field boundaries are then permanently marked with stone or masonry There is no minimum size for a field. The maximum *used to be* two acres for wet [1] land, and four for dry but now, as a rule, each revenue-field [2] will form a survey field in exceptional cases two or more revenue-fields may be clubbed together subject to the following conditions —

(1) Every survey field so formed must consist of *entire* revenue-fields.

(2) No survey field so united must exceed six acres of wet land or twelve acres of dry land.

(3) The revenue fields forming a survey field must be held on exactly the same tenure. In no case, can inám and Government land be put in the same survey field.

No existing revenue-field is to be divided, however large.

§ 3 *Subdivision of Holdings.*

Joint holdings (owing to the law of inheritance, which recognizes the joint succession of the heirs), though they frequently occur are not encouraged by the system and subdivisions of survey fields are demarcated on the ground, and surveyed by the Survey establishment [3]

It very often happens that the survey field and the holding correspond but should holdings be clubbed together or a number of relations jointly possess a field, it follows that the individual holdings will not in such cases correspond with

[1] Wet [illegible] mostly paddy crop land or land under [illegible] or [illegible] tank or those aided by wells. Dry land is unirrigated dependent on rainfall; but to well on a dry land to aid cultivation does not alter the classification as dry

[2] Each area of land i.e. in which previously a separate assessment has been fixed.

[3] See G. O. No. 313 of 22nd March, 1887

the survey unit. Such subdivisions are accordingly demarcated on the ground, and indicated in the Registers, by giving to each a *letter* added to the survey *number* (Thus we may have 21 A., 21 B., &c.)

The following are the latest orders regarding the recognition and record of interstitial fields[1] —

The subdivision of survey fields may be permitted for all purposes on the following conditions —

(1) *that the portion to be divided off be durably demarcated* in such manner as may be required by the village officers, and the holdings be separately lettered and numbered in the village accounts

(2) that it shall be in a single block, not in patches, and be readily accessible from without

(3) that if the subdivision is for the purpose of relinquishment, the portion divided off for relinquishment shall not be less than two acres, if dry and one acre, if wet (unless the portion relinquished has been destroyed or rendered useless by flood or other cause beyond the raiyat's control)

No subdivision will be valid till confirmed either by the officer conducting the jamabandi of the taluk in which the village is situated or the Divisional officer [This refers to subdivisions made after the Settlement operations are over] It will be at the discretion of the Divisional and jamabandi officer to refuse to confirm subdivisions in which the above conditions have not been complied with.

§ 4. *Method of Survey*

For an account of the actual method of survey Macleane [Vol. I (*Survey*), p. 101] may be consulted.

§ 5. *Inspection of Districts and Villages.*

In making the Settlement, it is necessary to obtain a general view of the characteristics of each district to ascertain particulars of the climate, rainfall, and physical features *of such tracts or divisions as differ from each*

[1] G. O. No. 1269, dated 4th November 1885, as modified by G. O. No. 675, dated 6th August, 1886.

other distinctly to search the Collector's records for information relative to the past history of the district, its years of plenty or famine its land tenures, mode of taxation, and the cause of gradual progress to study the relative values of such sources of irrigation as the various tracts possess to determine how different tracts are affected by roads, canals, markets, towns, hill ranges or sea board, and to acquire a general idea of the prevailing soils in each tract, and the relative value of such different soils as may be found to exist. Each taluk is accordingly visited and the revenue officers and leading raiyats assembled, and their opinion asked regarding the relative values of villages under such and such irrigation or in such and such a position information is also recorded as to the payment of labour the method of cultivation pursued the crops grown the mode of disposal of surplus grain, and the markets mostly frequented.

§ 6 *Grouping of Villages* (*Dry Land*).

Before proceeding to the detailed classification of soils in each village there is a preliminary *grouping* of villages (for assessment purposes) so as to bring together those which are similarly situated as regards advantage of position e g with reference to proximity to market, facilities of communication (road, railway or canal) and climate[1] The grouping according to advantage of situation is independent of the physical properties of the soil.

This preliminary grouping is a necessity of all Settlement work; because it is obvious that even if the villages had exactly the same qualities of soil, the value, and therefore the capacity from an assessment point of view of each soil must be different according to position If a given soil is found in a village which lies close to a market, so that the produce is easily conveyed, and always

[1] General [illegible] where [illegible] villages lie [illegible] near the sea coast, [illegible] dealt with in the soil classification; [illegible] enter into the question of grouping, which refers [illegible] to general features of advantage in position. See *Settlement Manual*, pp. 11 33.

in demand, it is obvious that it can be assessed higher than the same soil in a remote and inaccessible village.

The same grouping is not adopted for villages wholly irrigated or consisting of wet land these are treated on separate considerations to be mentioned presently

§ 7 *Dry-Soil Classification— Series.*

Each village in any group will exhibit natural differences of soil. Those recognized in practice have been so because they answer the requirements of being few simple, and well defined, while they are universally acknowledged by the people themselves. These primary soil differences are *only five in number and are spoken of as the soil series.* They are —

(1) Alluvial islands in rivers, and permanently improved soils[1] (Exceptional soils.)

(2) Regar or regaḍa, the so-called black-cotton soil.

(3) Red ferruginous soil.

(4) Calcareous—chalk or lime (of rare occurrence).

(5) Arenaceous (more or less pure sand—on the sea coast, &c.).

§ 8 *Soil Class.*

But again a further distinction occurs. Every soil of the series may contain varieties in physical constitution. Each one, we may be sure, has some one distinctive mineral constituent which is capable of reduction to an impalpable powder This contains the characteristic mineral nutritive element of the soil, and is for convenience (though not, of course, with scientific accuracy) spoken of as clay Now each *series* may exhibit this material, or clay either pure, or mixed with sand (as

[1] Under exceptional soils, we have :—rich alluvial islands, where the soil is extraordinarily valuable; permanently improved land—e g. land, made up of silt at the bottom of a ruined tank; tôtakâl or garden land, where the soil has been completely altered by long working. But land merely improved by having well sunk on it (at the owner' expense) is not in this class at all.

loam), or mixed with an excess of sand ('sandy soil'). That is true of all the series except the fifth. And the difference affects the value of the soil, because it makes it heavier or lighter more or less permeable liable to cake or able to retain moisture.

Consequently under the *series* we have also the *class*—i.e. pure clay—or half sand, or more than two-thirds sand, &c.

§ 9 *Soil Sort.*

And there is yet one more difference. Given that a field is in a certain *group* as regards situation, that it belongs to—say—the black-cotton soil *series*, and to the *loamy class* of the series, it may yet be good or bad,' or ordinary or worst of its kind. This last difference marks the *sort* of soil. So that we have *series class*, and *sort* to attend to in each *group*.

§ 10. *Table of Soils*

It is easy to combine these differences into a simple tabular form.

In speaking of soils it is not necessary to give the whole detail at full length it is enough to write Class II Sort I or II. I simply because the *series* is implied in the *class* number For example Classes I II, are both in the *first series* Classes VI, VII, and VIII are in the *third*; and so on.

The classifier enters the soil as he goes along on a sketch map as well as in a register his work is checked by the Head Classifier and by the Supervisor It is usually found that soils run in considerable blocks round which a line can be run on the map. Inside the block *small differences* would be disregarded rather than multiply blocks.

The recognized table of soils is as follows —

Series.	Class and its Description.	Sort.
Alluvial and exceptional soils	I. Island soils (Lanka)	Good. Ordinary 3 Inferior.
	II. Permanently-improved tömkil, or parîs and other lands.	Best. Ordinary
Regar series	III. Clay regar containing upwards of ½ clay	Best. Good. 3 Ordinary 4 Inferior. 5 Worst.
	IV Mixed or loamy regar containing from ¼ to ½ clay	Best. Good. 3 Ordinary 4 Inferior 5 Worst.
	V Sandy regar, containing not more than ¼ clay	Best. Good. 3 Ordinary 4 Inferior 5 Worst.
Red ferruginous series	VI. Clay containing upwards of ½ clay.	Best. Good. 3 Ordinary 4 Inferior. 5 Worst.
	VII. Mixed or loamy containing from ¼ to ½ clay	Best. Good. 3 Ordinary 4 Inferior 5 Worst.
	VIII. Sandy, or gravelly, containing not more than ¼ clay	Best. Good. 3 Ordinary 4 Inferior. 5 Worst.
White and grey calcareous series	IX. Clay,—upwards of ½ clay	Best. Good. 3 Ordinary 4 Inferior. 5 Worst.
	X. Mixed or loamy, ¼ to ½ clay	Best. Good. 3 Ordinary 4 Inferior 5 Worst.
	XI. Sandy or gravelly under ¼ clay	Best. Good. 3 Ordinary. 4 Inferior 5 Worst.
Arenaceous series	XII. Loamy, or mixed, ¼ to ½ clay.	Best. Good. 3 Ordinary 4 Inferior. 5 Worst.
	XIII. Sandy from ⅛ to ¼ clay	Best. Good. 3 Ordinary 4 Inferior 5 Worst.
	XIV Sand, under ⅛ clay	Best. Good. 3 Ordinary 4 Inferior 5 Worst.

§ 11 *Subsoil.*

It is laid down generally that if the upper soil is nine inches deep, the classification will take notice of the upper or surface, soil only But when the entire soil is less than three feet deep, the Classifier takes note as to the *subsoil*[1] also. The *Settlement Manual* is not clear as to how this subsoil note is made use of probably I presume, it will be allowed to affect the sort. Thus Class III. (clay regar) might be only eight inches on the surface then, if the subsoil were red ferruginous, I presume the field would be regarded as belonging to *that* class. If the subsoil were

[1] *Settlement Manual*, pp. 49–50.

(1) The assessment is on the land [according to its value and capacity] not on the description of produce, nor on the claims of certain classes of cultivators to pay lower rates.

(2) The classification of soils is to be as simple as possible.

(3) The assessed revenue is not to exceed one-half of the *net* produce, after deducting expenses of cultivation &c.

(4) In dry land no extra assessment is imposed for a second crop. But wet lands, which ordinarily have a regular supply of water for two crops, are registered as two-crop lands, and the charge for the second crop is one-half that of the first. When the source of irrigation is uncertain, the second crop charge is assessed on a consideration of the irrigation sources and when the water has to be raised by baling an acreage allowance or deduction is made.

§ 16 *Practice of Assessment.*

Let us now see how the rates are, in practice, determined. Granted that the fields on the village map have all been classified as of one or other class or sort, and that they appear in considerable groups of a practically uniform character First, we have to ascertain the grain produce Let us take the case of dry land. It is not one kind of crop that is always grown on the same soil, nor on the same field from year to year It is necessary to choose some one or more standard grains (always food-grains[1]) to represent the general or average produce.

An example is the clearest explanation. Suppose that, on looking at the taluk statistics of cultivation, we find the cultivated area occupied in the following proportions by the different crops —

[1] For reasons explained in *Settlement Manual*, pp. 6 and 26.

	per cent. of the whole.		per cent.
Rágí (*Eleusine Coracana*)	3	Varagu (*Panicum miliaceum*)	18
White Paddy	31	Kambu (*Pennisetum spicatum*)	9
Indigo	14	Cholum (*Sorghum vulgare*)	4
		Gram (*Cicer arietinum*)	
		Trees and groves (topes)	16
		Oil-seeds and vegetables	8
			52
	48	TOTAL	100

Here paddy occupies by far the largest area but this is a wet crop, and we are dealing with dry Indigo also largely grown, is not a food grain. So our two standards are clearly the millets called Rágí and Varagu. Then, looking at the other produce, we find there are crops, whether food-grains or not, known to be so approximate in value to one or other of these two that we can, for practical purposes, treat them as if they were Rágí or Varagu and hence, for dry land, we take about 48 per cent. of one, and 52 per cent. of the other [1]

Next, we shall ascertain for each class and sort of soil, what is the fair average outturn of the standard grains.

Formerly experimental reapings (*kail*) were conducted both by the Revenue (Collector's) staff and by the Settlement, and they were compared with opinions of the raiyats and the Tahsíldárs but these experiments are now given up —general inquiries and statistics collected, are relied on. Now supposing we have a soil of 'IV 2 —(Regar—loamy — good) we find the outturn of Rágí on such soil is 320 Madras measures per acre, and Varagu 440 Madras measures per acre. To get our standard we shall allow half the acre to each (48 per cent. and 52 per cent. = half and half very nearly). By our table of average prices (of this presently) 160 measures of Rágí are worth R.7 1 7 and 220 of Varagu, R.6-1 11 thus the gross value of the outturn per acre of this soil in standard crop will be R.7 1 7 + R.6-1 11 = R.13 3-6

[1] An allowance for crops of special value may be added on t the totals to equalise the burden. In these cases, the crop may be such that the outturn can only be approximately valued by an estimated money rate

In wet land white paddy is the uniform standard crop. The calculation of the quantity of produce of standard grain per acre of each class and sort of soil, is called determining the grain value. It will be remembered that the produce figure accepted for the grain value represents a fair average crop, allowing for good and bad years.

Next, this crop is to be valued and the commutation price is the average price (per *garce*=4800 seers of 80 tolás) of the twenty non-famine years immediately preceding the Settlement[1]

But these are merchants prices: so a correction[2] of 15 per cent. is made, to allow for the raiyat's selling at lower rates, for cost of cartage, and for difference of prices, &c. and a further deduction of ⅙ to ¼ is made for vicissitudes of season, as well as to allow for the fact that we have been dealing with survey acreages which include the whole superficies, while, in fact, parts of it produce no grain, being paths, water-channels, or banks of fields.

Against the average grain value we have next to set off the cost of cultivation, which is estimated on certain items of general experience the details of which need not be gone into[3]

Having deducted this, the result is the net produce, and half of this is the Government revenue.

The principle always has been that the assessment is to be moderate. The old rates (as we have seen) were generally based on 50 per cent. of the *gross produce* for wet, and 33 per cent. for dry land. When revision began, the maximum was reduced to 30 per cent. the average being about 25 per cent.

But in course of time a gross produce percentage was not considered sufficiently accurate. *Net produce* was to be ascertained by deducting the cost of cultivation, &c., and in 1864 the Government share or revenue was fixed at half the duly ascertained *net* produce.

[1] G. O. No. 821 dated 30th July 1885.

[2] *Settlement Manual*, pp. 29, 30, gives 8 to 20 p.c. but a latter G. O. No. 1134 of 6th December 1878, fixes 15 p.c.

[3] Ibid. Sections 30 *et seq.*, p. 30.

§ 17 *Illustration—Figures applied to Wet Land.*

An example from wet land (for a change) may illustrate the whole subject —

Soil, Class, &c.	Gross outturn of standard grain (paddy).	Value per garce at R. 7 commuted on years average prices.	Deduct			Net Produce.	Half.	Government revenue
			1/4th as above.	Cultivation expenses.	Total.			
	Madras Measures.	R. a. p.	R. a. p.	R. a. p.	R. a. p.	R. a. p.	R. a. p.	R. a. p.
VII 4	600	1 5 0	4 6 [illegible]	9 [illegible] 5	13 6 7	8 6 5	4 3 [illegible]	4 0 0

The Government revenue is fixed so as to reject the small fractions. If the reader does not remember the meaning of VII, 4 in the first column he will look back to the Standard Table of soils (p. 64, ante).

§ 18 *Taram Rates.*

Now as we have said, it is not needed (nor would the result be equable) to make this calculation for each field independently. It will evidently happen, that a number of different classes and sorts of soil will, on calculation, show nearly the same net produce, and therefore the revenue-rate will be uniform for them all. Then it will be sufficient to draw up a table of *class* and *sort* rates (called taram), which will apply equally to several soils. But the grouping of the village has to be allowed for in the assessment, and this is arranged for by gradation of taram. Thus a set of soils in the first (normal or favourably situated) group would command the first or highest *taram* in the second group they would command the second only and so on.

This system has gradually been perfected in simplicity and breadth. In some of the older Settlements as many as 800 different rates varying from R. 35 to a fraction of a rupee, were applied [1] Now no district has more than thirty rates in the wet scale and twenty-eight in the dry

At one time (in 1879) it was thought possible to draw up standard wet and dry tables of *tarams* for all the soil classes, which could be applied at once to each field in a district so soon as its soil class was known [2] This table

[1] *Statement of Moral and Material Progress*, 1882-83, p. 42.

[2] *Progress presented to House of Commons*, Mr Wilson explained (No. 3293

was actually made use of in the Chingleput, North Arcot, and Coimbatore Settlements. But the hope of universally adopting so simple a table, proved too sanguine. When submitting (in 1884) proposals for the Settlement of the Madura district, Mr Wilson tested this standard scale by working out rates for each class and sort of soil, taking the outturn and cultivation expenses from the sanctioned Settlements of adjoining and similarly situated districts, and the commutation rates from the price returns of the Madura district. The order of Government was as follows The results of the application of the standard scale of rates to the Settlement of the Madura district, in which it is used for the first time show that the process of verification adopted by the Director cannot, with safety be dispensed with. The Director therefore, proposes that for *each district* the Settlement of which is taken up in future, *an independent scale should be worked out* on the data supplied by the Settlements of other similarly situated districts without reference to a standard scale This proposal is supported by the Board and is accepted by Government[1]

I shall, nevertheless, give this standard scale, because the student will not mistake the use I make of it, which is merely to serve as a concrete example of the way in which a few *taram* rates on a sliding scale can be made to apply to a considerable variety of soils, and how the grouping of villages according to advantage or disadvantage of situation can be allowed for without making a new scale for each group. For the mere purpose of such illustration, it is obviously immaterial whether the rates are actually true for any one or more districts :—

A., dated 5th November 1884, to Board of Revenue) that in 1879, he found twenty-three Settlement schemes affecting in whole or part, thirteen d stricts. In these thirty five rates (varying from R. 12 to R. 1) had been adopted for wet and twenty-eight rates (from R. 10 to four annas for dry. H then discarded very exceptional rates and ees, and so reduced the number of rates that could be taken for the several different soil against which they are placed in his table R. 0 was taken as a minimum payment, because if wet land could not pay that, it could not be worth irrigating t all.

[1] Quoted from the *Settlement Manual*, p. 03.

Observations on the Tables.

The soils are briefly expressed by figures class II can only mean the second class of the first *series* or permanently improved land: Sort No. 1 means good, as 2 does ordinary and 3 inferior. So if we take 'VII. 3, this means Red ferruginous series, loamy ordinary because 1 is here best, 2 good, 3 ordinary 4 inferior and 5 worst.

In every case one Roman and one Arabic numeral will express every series, class, and sort of soil in the table (see page 61 ante).

Dry lands.—The table shows no rate for class I of either sort—because islands (lanká) can only occur in certain rivers, and the exceptional rate for such cases can be specially supplied when wanted.

The class II may in its actual physical properties, be soil of any kind but it is put into a special class, because its having been worked up into garden or permanently improved, which gives it a new character and properties. This soil ordinary (II. 2), it will be observed, is equal to the best regar clay (III. 1).

Inferior clay regar (III. 4) is on an equality (as to its value for assessment purposes) with quite a number of other soils e. g. with best, sandy regar (V 1), or with good, loamy red ferruginous (VII. 2), or with best, loamy arenaceous (XII. 1)

Wet lands.—The table contains no rate for class I or class II, as these are not wet lands yielding white paddy as the standard grain. Note also that best, loamy regar (IV 1) is higher in value when irrigated than best clay regar (III. 1) irrigated the value being reversed in unirrigated land. A large number of soils from III. 4 to XIV 1 come under the fifth taram (R. 7 per acre) when in the first group, according to advantage of situation and means of irrigation, level, &c.

This table explains the application of *tarams* according to the *group*. We need not calculate out new rates for all the lands in the second group.

Land that commands the first or highest *taram* (R. 12) in group first, is allowed the second taram only (R. 10-8) if it is in the second group or the third (R. 9) if it is in the third group and so on.

No rate below R. 2 is given, as already explained.

Dry

Soil Classification.		Rate per Acre.									
Class.	Sort.	Taram.	First group.	Taram.	Second group.	Taram.	Third group.	Taram.	Fourth group.	Taram.	Fifth group.
			R. a.		R. a.		R. a.		R. a.		R. a.
II	1	1	5 0	2	4 0	3	3 8	4	3 0	5	2 8
II III	}	2	4 0	3	3 8	4	3 0	5	2 8	6	2 0
III IV	2 1	3	3 8	4	2 0	5	2 8	6	2 0	7	1 8
III IV VII	3 2 1	4	3 0	5	2 8	1	2 0	7	1 8	8	1 4
III IV V VI VII VIII XII	4 3 1 2 1	5	2 8	6	2 0	7	1 8	8	1 4	9	1 0
III IV V VI VII VIII XII XIII	5 4 3 2 1	6	0	7	8	8	4	9	0	10	0 12
IV V VI VII VIII XII XIII XIV	5 5 3 4 3 3 2 1	7	1 8	8	4	9	1 0	10	0 12	11	0 8
V VI VII VIII XII XIII XIV	4 4 5 4 4 3	8	1 4	9	1 0	10	0 1	11	0 8	12	0 6
V VI VIII XII XIII XIV	5 5 5 5 4 3	9	1 0	10	0 12	11	0 8	12	0 6	12	0 4
XIII XIV	5 4	10	0 1	11	0 8	12	0 6	12	0 4	12	0 4
XIV	5	11	0 8	12	0 6	12	0 4	12	0 4	12	0 4

Wet.

Classification.		Rate per Acre.									
Class.	Sort.	Taram.	First group.	Taram.	Second group.	Taram.	Third group.	Taram.	Fourth group.	Taram.	Fifth group.
			R. a.		R. a.		R. a.		R. a.		R. a.
IV	1	1	0	2	10 8	3	9 0	4	8 0	5	7 0
III IV VII	1 1	2	0 8	3	9 0	4	8 0	5	7 0	—	6 0
III IV V VI VII VIII XII	 3 1 2	3	9 0	4	8 0	5	7 0	6	6 0	7	5 0
III IV V VI VII VIII XII XIII	3 4 2 3 1	4	8 0	5	7 0	6	6 0	7	5 0	8	4 8
III IV V VI VII VIII XII XIII XIV	4 5 3 3 4 3 5 2 1	5	7 0	6	6 0	7	5 0	8	4 8	9	4 0
III V VI VII VIII XII XIII XIV	5 4 4 5 4 4 3 2	6	6 0	7	5 0	8	4 8	9	4 0	10	3 8
V VI VIII XII XIII XIV	5 5 5 5 4 3	7	5 8	8	4 8	9	4 0	10	3 8	11	3 0
XIII XIV	5 4	8	4 8	9	4 0	10	3 8	11	3 0	12	2 8
XIV	5	9	4 0	10	3 8	11	3 0	12	2 8	13	2 0

§ 19. *Comparison of Rates.*

It may be interesting to note how rates assessed on the Madras principle compare with rates assessed in other Provinces. Dr Macleane gives the following brief comparative table —

Province.	Three heaviest assessed districts (rate per acre).									Three lightest assessed districts.								
	I.			II.			III.			I.			II.			III.		
	R.	a.	p.	R.	a.	p.	R.	a.	p.	R.	a.	p.	R.	a.	p.	R.	a.	p.
North West Provinces	[illegible]	8	0	[illegible]	7	4	[illegible]	6	9	1	3	9	1	1	10	0	10	3
Oudh	[illegible]	3	9	[illegible]	5	6	[illegible]	5	5	1	7	0	1	3	4	1	1	7
Panjáb		15	6	1	13	6	1	11	9	0	7	8	0	5	10	0	3	3
Central Provinces	0	11	6	0	1	[illegible]	0	9	10	0	4	0	0	3	11	0	[illegible]	9[1]
Bombay	4	8	3	3	6	4	3	6	0	0	8	1	0	7	5	0	7	1
Madras	3	12		[illegible]	13	7	[illegible]	13	0	0	14	3	0	11	8	0	11	[illegible]

The Central Provinces initial Settlements were exceptionally low; they are not likely to remain at that figure at the present revision.

§ 20 *Subsidiary matters connected with Assessment.*

It is hardly necessary to note that proposed rates at Settlement have (as in all Provinces) to be reported through the Board of Revenue, to Government, for sanction, before adoption. Any considerable changes have to be fully explained and justified.

It is not always that wet land is assessed on its own separate scale. Sometimes, for local reasons, it is assessed at dry rates, and an acreage water rate added (e.g. in the Delta portion of the Godávarí and Kistná districts, and in four taluks of the Kurnool district traversed by the Kurnool-Cuddapah Canal.

Here it is to be noted that in Zamíndárí and inám lands, though the peshkash in the former and the jodi' or quit rent (reduced revenue) in the latter is not touched at Settlement, 'water rate may be assessed additionally when water is supplied from Government works; and also the local cess is payable.

§ 21 *Assessment of Double-crop Lands.*

This subject was touched on in the Standing Orders noted at p 64. In fixing the standard rates of assessment on *irrigated* lands, it is generally assumed that there is one crop. But such land, if the water-supply is good does often yield a second crop and when this is, for all ordinary seasons, the case, the land is registered as double crop, and a charge equal to half the single-crop assessment is added. The addition is payable unless the water has failed so that a second crop could not be raised. Where the irrigation is uncertain, the land is not registered as double-crop land but if a second crop is actually raised, it is charged for by a rate (which as before, is half the single-crop assessment), added at jamabandi time (fasl jyásti). But the second-crop payment can be compounded for by a fixed addition to the regular assessment [1] on lands under uncertain sources of irrigation and this compounding is done on certain principles which need not be detailed [2]

§ 22 *Assessment on account of Wells*

It should be clearly understood that no extra assessment is levied because of the existence of wells.

This applies equally to wells constructed in dry land, with a view to securing the cultivation, raising improved crops, or garden produce, as to those which are made in wet land. The only exception is that where the wells are believed to derive their water not from springs but by percolation from the regular irrigation source, they are treated as practically extending the wet area or in other words, the area irrigated by them is treated as *part* of the tank or river area as the case may be. Of these wells three varieties are recognized :—

[1] Registered double crop land is entitled to a supply of water before other land not so registered, in case there is a need to limit the distribution.

[2] *Settlement Manual*, p. 14 and G O 20th August, No. 954, part 3.

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	I.			II.			III.			I.			II.			III.		
	R.	a.	p.	R.	a.	p.	R.	a.	p.	R.	a.	p.	R.	a.	p.	R.	a.	p.
North-West Provinces	2	8	0	2	7	4	2	6	9	1	3	9	1	1	10	0	10	3
Oudh	2	5	9	2	5	6		5	5	1	7	0		3	4	1	1	7
Panjáb		15	6		13	6	1	11	9	0	7	8	0	5	10	0	3	3
Central Provinces	0	1	6	0	11	2	0	9	10	0	4	0	0	3	11	0	2	9
Bombay	4	8	3	3	6	4	3	6	0	0	8	1	0	7	5	0	7	1
MADRAS	3	12	1	2	13	7	2	3	0	0	14	3	0	11	8	0	11	2

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[1] Registered double crop land is entitled to a supply of water before other land not so registered, in case there is a need to limit the distribution.

[2] *Settlement Manual*, p. 4 and G O 20th August, No. 954, part 5.

(1) Those near the water source, which may be supposed to derive their supply from percolation are called lópala bhávalu. The existence of such wells generally implies that the tank supply is uncertain as to its duration in that case probably the land will not be registered as (ordinarily) certain to bear two crops and a second crop, if ripened will be charged as already explained.

(2) Wells situated within ten yards of a tank or a dam are called itifák, and are supposed to intercept the water of the tank, and so land watered by them is treated as wet, i.e. as if directly watered by the tank itself.

(3) Wells are sometimes made near the beds of rivers and are fed by small channels which lead water into them (called dorovu or sultán) lands watered by these are also treated as if directly watered by the river

All other wells not in these situations do not raise the assessment on dry land, nor convert the land (for assessment purposes) into wet.

The following rules on the subject will now be intelligible [1] —

I. No water rate shall be charged on dry lands irrigated solely from private wells situated on land which is private property or constructed prior to the 10th August, 1884 within whatever distance the wells may be from a public irrigation source.

II. In all cases—either single-crop or registered double-crop land—if one of two crops is raised by Government water—whether this is the first or second-crop season—a full single-crop wet assessment will be levied [2]

[1] G. O. 652, 17th May 1884, as modified by G. O. 26, 13th January 1887 and 425, 4th May 1887

[2] Where the assessment is on double-crop land in one sum then the charge will be two-thirds of such sum.

(a) In land where the second-crop charge is compounded —single dry rate.

NOTE.—In such land, the full compounded rate will be charged if any supply is received during the year

Explanation.—Dry rate means in settled districts, the dry rate fixed for the class and sort of soil and group in unsettled districts, the highest dry rate of the village

III. Nothing in the foregoing rules shall be held to prejudice the claims of holders of wet lands containing, or irrigable from, private wells, to remission[1] under the ordinary rules for waste or withered crop.

§ 23. *Revision of Irrigated Area.*

As much depends on the true extent of the *ayacut* or area which a tank really waters, one of the operations of the new Settlement was the careful revision of such areas. Any mistake in this might result in the land being assessed as wet though not really within reach of the water-supply The *Settlement Manual* contains[2] various rules regarding the alteration of land from wet to dry and *vice versâ*.

§ 24. *Duration of Settlement.*

The duration of Settlement is thirty years. During that period neither the grain values nor the commutation prices are altered. The discussion about making the assessment permanent is now at an end, and the policy formally abandoned since the Board's Minute[3] of 8th September 1868 and the orders from home of 1882–84. (See Vol. I. p. 345.)

The latest review of the Survey and Settlement work[4]

[1] Remission is explained in the Chap. on Revenue Business.

[2] *Settlement Manual*, p. 17.

[3] This very able State paper is printed as Appendix Γ to the *Chingleput District Manual*, and see despatch of Secretary of State to Government of India, No. 24, dated 22nd March, 1883, section 9.

[4] G. O. No. 630, dated 1st September 1887.

shows what has been done up to the close of 1886–87 thus —

COMPLETED.	IN PROGRESS.
Ganjam.	South Arcot.
Godávari.	Madura.
Kistná.	Malabar.
Nellore.	Bellary
Cuddapah.	Anantapur
Karnúl.	
Chingleput.	STILL TO BE DONE[1]
Trichinopoly	
Tinnevelly	Vizagapatam.
Coimbatore.	Malabar (proper)
Salem.	Tanjore
North Arcot.	
Nilgiris.	
Wainád.	

§ 25. *Completion of Settlement and the Records prepared.*

It should be noted that the land registers take note of the entire area of the village, including —

(1) The assessed raiyatwárí land.

(2) 'Inám land granted free or at reduced rates for village service, charitable, religious, or other purposes, within the village.

(3) Waste culturable.

(4) Unassessed waste including purambok [2] which means unassessed waste set aside for special purposes—as for the village residence site, a threshing floor burial-ground site of a well, grazing ground, &c.

Consequently on the completion of the assessment

[1] Madras, which is a separate district consisting of a single taluk, is not likely to be brought under Settlement. The revenue is mostly in the shape of house rates; and what little assessable land there is in Madras 1 charged with quit rent under (M) Act XII of 1851

The Wainád (hill tract) was un til recently part of the Malabar district; it is now with the Oochterlony valley united to the Nilgiri district.

[2] Paramtok or Purambokn according to Wilson (Glossary 428), mean ex luded place. Its cultivation is strictly prohibited, and if it is broken up a high revenue-rate is enforced as a sort of penalty

the Settlement officer will proceed to the division of the samudayam or common lands (where the form of tenure requires such a division). And all questions regarding pur ambok and the allotment of residence or building sites, burial-grounds threshing floors and the like, will be then settled. Composition for second crop assessment is also now carried out and transfers of pattas are made, including the correction of names where the patta is in the name of a deceased raiyat, &c.

Rough pattas (like the chitta of a village Settlement in the Panjáb) are then given out, so that each raiyat may see what is going to be put down in the registers as far as it affects him and at a certain time and place noted on the form, he can make any objection to the new entries and rates. When all is done, the completed registers of each village prepared in English and in the vernacular (diglott) are forwarded to the Settlement Commissioner's Office to be printed.

§ 26 *The Records.*

The *Settlement Manual*[1] gives the following account of the Settlement Records or Registers —

(I.) 'This register called the *Settlement Register* is the foundation on which the whole revenue administration rests. It forms a complete Domesday Book, recording accurate information regarding every separate holding, whether large or small. The area is given in acres and cents (i.e. hundredths of acres) and the assessment thereon stands in parallel columns. A single field on the survey map may actually be divided amongst twenty raiyats. In such a case, there will be twenty sub-letters (see p. 57 ante), and each raiyat will have a separate line in the register giving full particulars of his holding, even though the extent of it (as sometimes happens) is no more than the one-hundredth part of an acre. From the register is prepared a ledger known as the *chitta*, which gives each raiyat's personal account with Government. Every field, or fraction of a field,

[1] *Settlement Manual*, Sections 64 67.

held by the same raiyat, is picked out from the Settlement register and entered in this ledger under his name, with particulars of area, assessment, and other details. The total of the area shows the extent of his different holdings in the village, and the total of the assessment is the amount due thereon by him to Government. A copy of this, his personal account, is given to each raiyat with a note as to the date on which each instalment falls due, and is known as his "*patta*."

(II.) An English descriptive memoir giving full details touching each village and its Settlement, and an account of all lands held revenue-free, or on favourable tenure, is also printed. A sketch map of the village, showing the tanks and channels, and all similarly assessed fields, laid out into blocks, is attached to it. A scroll map in two or three sections, showing the classification of a whole taluk, is also prepared and lithographed at Madras.

The descriptive memoirs of all the villages in each taluk, consecutively numbered, are bound into a single volume, with their respective eye-sketches, which thus supply complete information regarding each village.

Thirty copies of each register of the descriptive memoir and of the eye-sketch are printed and distributed, one-third for sale to the raiyats, one-third for official use, and one-third as a reserve.

The whole of the information thus conveyed has now, by the aid of the annual and monthly village accounts, to be kept continually correct [1] so that at any future revision of Settlement it will be unnecessary to re-survey re-classify and re-register the land. It will only be requisite to test the correctness of the accounts, and apply a new rate, calculated on the principles—whatever they may be—prescribed by Government. It is anticipated that all this can be done by the ordinary District Staff[2]

Section III.—Settlement of Inám Claims.

The Settlement, as we have seen, only assesses the land under raiyatwári tenure. If however there is land in

[1] How this is done by the Record mentioned from year to year by the *Karnam* (patwári) will appear later when we speak of the Revenue Officers and their duties.

[2] See the remark in the general Introductory Chapter on Settlements in Volume I

the village, consisting of a few fields or even a division of the village, held revenue-free or at a reduced rate, such an area is shown in the village registers.

But it may be that a whole village is inám. If so it constitutes a separate estate, like a Zamíndári or a pollam, and does not come within the scope of the Settlement. Government has no claim to the land or to the revenue unless there is a fixed quit rent, which is recorded as is the permanently settled revenue or peshkash of the Zamíndári or pollam estate. There was accordingly a special procedure under which the right and title of the holders of these favoured estates was elucidated and put on a sound basis; and the quit-rent, or reduced rate, where the estate is not entirely revenue-free, determined by rule.

All native governments were in the habit of rewarding favourites, providing for the support of mosques, temples, religious schools, shrines, and for almsgiving and the maintenance of Brahmans or Muhammadan saints, &c., by granting the revenue on the land, whether they granted the land itself or not.

In later days these grants were made rather recklessly in many cases a wiser system would have given a money allowance. It is always easier for a listless governor whose treasury is chronically empty to give an assignment of revenue or a grant of land free of revenue, than to pay a cash pension and the minor officials who have no right to make such grants at all, assume to make them while in the general confusion, people set up as inámdárs on really no title at all.

A modern government has to set all this right. It does not wish to offend the feelings of the people, nor to withdraw endowments and maintenances which the sense of the community would desire to retain; but it cannot have its revenues frittered away for nothing or on titles which will not bear examination.

Every province has therefore had its procedure for examining into and resuming invalid titles of this kind In

Bengal we have noticed the rules regarding Bádsháhí (Royal) and Hukámí (subordinate authorities) grants of this description. In the Panjáb and the North West Provinces there are similar rules about the lákhiráj or revenue-free grants—whether in the form of jágír or máâfi. In Madras a special INÁM[1] COMMISSION[2] was appointed to deal with the subject.

Both in Madras and in Bombay inám lands are spoken of as alienated, while the raiyatwárí lands are Government. The former term implies that Government has parted with its right of assessing the land and revising the assessment the inám being either rent-free or more commonly charged with a jodi or quit-rent which is unalterable.

Passing over the earlier attempts to deal with Ináms, I may come at once to the establishment of the Inám Commission in 1858[2] (16th November). I do not propose to go into the details of the work, which consisted in validating and issuing title-deeds for ináms lawfully in possession for fifty years, and in resuming others, or commuting them for money pensions. For the purposes of the Commission all kinds of grants were dealt with, whether they included the right in the land or only the Government revenue they were—

(1) Ináms proper where the land is granted, either a field, or a village, or a group of villages.

(2) Muhammadan jágírs which were personal grants and might or might not include the land.

(3) Shrotriyams (Śrotriyam) and agrahárams, grants to certain (different) classes of Brahmans which did not give more than the revenue, leaving the land in its original occupancy unless it could be shown that the occupancy was also granted.

[1] Inám (correctly In'ám) is an Arabic word signifying reward or favour.

[2] A question arose about the form of signature t the titles granted, in connection with the law under which contract executed in a certain form are binding a the acts (by delegation) of the Secretary of State. This question w set at rest and the titles validated, by the 32 and 33 Vic. c. 29 (1869).

Nine kinds of ináms (classified according to their object or purpose) are enumerated—

(1) For religious institutions and services connected therewith.

Nearly a million and a half acres are so assigned including temples pagodas, and mosques. The largest grants are in the southern districts.

(2) For purposes of public utility Such are, support of Chatrams (places where refreshment is given gratuitously), water pandals (drinking places), topes or groves, flower-gardens for temple service (nandavanam), schools (patsháláś) for maintaining bridges, ponds and tanks, &c.

(3) Dasabandham ináms for the construction, maintenance, and repair of irrigation works in the Ceded Districts in Kistna, Nellore, North Arcot and Salem.

(4) To Brahmans and other religious persons for their maintenance called Bhátavritti, and (Muhammadan) Khairát. They form nearly half the Ináms of the Presidency and cover more than three and a half million acres.

(5) Maintenance grants for the families of poligars and ancient land-officers. These are grants to families of dispossessed poligars in Báramahál and the Ceded Districts to Kánungos (Chingleput), and to Desmukhs, &c.

(6) Lands alienated for the support of members of the family (also for religious persons) by poligars, &c. These are the bisái (bissoye), doratanam, mukhása[1] jivitham, amaram (North Arcot[2]) umlikai, &c.

[1] In Tanjore there are a number of mukhásas for the service of the Ránis, and for the king's family; also found in Kistna.

[2] These are described in *Nellore D. M.*, p. 265. Amaram mean ease. To remunerate Revenue-collecting peons a part of the revenue (royal share) was assigned to them and never raised in amount.

(7) Grants connected with the general police of the country under former rulers.

Such are the kattubadis [1] (grants of waste revenue-free to police under poligars).

(8) Grants to village headmen, karnams, and village police (Grámamániyam, &c.).

(9) Grants to village artizans, where they were not paid by the fees called merái (or in addition to them).

Both 8 and 9 are the watan of Central India.

Next to validating titles, the chief operation of the Commission, which will interest the general student, was the enfranchisement of the Ináms. In the case of an Inám held for personal benefit, the holder could either retain it subject to inability to alienate and to the actual terms of the tenure, or he could *enfranchise* it, i.e. convert it into his own private property by payment of a moderate quit rent, or a single commutation sum equal to so many years purchase of the quit-rent.

It accordingly happens that Ináms may be classified as—

(1) still unenfranchised

(2) enfranchised but liable to jodi or quit rent, as the case may be

(3) enfranchised, the rent being commuted, or redeemed.

The Commission has dealt with nearly 444,500 titles affecting more than 6½ millions of acres and some 2½ millions of grantees. The quit rent assessed (up to 1884) amounted to nearly eighteen lakhs of rupees [2]

The work of the Commission as a separate department, was brought to a close in November 1869 but work of the

[1] Vellore D. M., p. 668. They paid rent only in form of a customary annual present. Mániáli kátam, also in the Ceded Districts and North Arcot.

[2] The census of 1881 (see Macleane, vol. ii. p. 378) giving the total presidency at 140,841 square miles (or excluding the States of Sandúr and Pudukottah and Banganapilli) as 139,301 square miles; this represents 18,908 square miles of all kinds (cultivable and uncultivable) as Inám.

same kind still continues under the charge of a member of the Board of Revenue before whom the cases of the still unenfranchised ináms may come, and especially a large number of titles of small ináms for village service, consequent on the revision of village establishments at the new Settlement.

CHAPTER III.

LAND-REVENUE OFFICIALS, THEIR BUSINESS AND PROCEDURE.

SECTION I.—THE OFFICIAL STAFF.

§ 1. *The Board of Revenue.*

AT the head of the revenue administration, and in direct communication with the Governor in Council, is the BOARD OF REVENUE.

The Board was originally constituted on the model of the Bengal Board in 1786 and its functions were afterwards defined by Madras Regulation I of 1803 —

> The duties of the Board of Revenue have been, and hereby are declared to be the general superintendence of the revenues from whatever source they may arise and the recommendation of such propositions to the Governor in Council as in their judgment may be calculated to augment and improve those revenues.[1]

The Board had hitherto consisted of three Members with two Secretaries; and there were separately a Commissioner of Salt and Ábkári (Excise) Revenue, and a Director of Settlements.

In June 188, the Board was reorganized and now consists of four Members, with three Secretaries and an Assistant Secretary.[2]

Two of the Members are the Land Revenue Commis-

[1] Section 4, Regulation I 1803. This Regulation is still in force though much of it strikes a reader as obsolete and rather historically curious than practically useful. Act II of 1883 has amended the Regulation so far as relates to the power of action of single members.

[2] Secretary of State No. 90 (Revenue) dated 7th October 1886. G O No. 162, dated 18th February 1887.

sioners. The third Member is the Commissioner of Revenue Settlements, and is also Director of Land Records and Agri culture the fourth is the Commissioner of Separate Revenue.

The Land Revenue Commissioners dispose of all the or dinary subjects of land revenue administration, such as collection of land revenue, irrecoverable arrears, waste lands, Zamíndárí estates, beriz deductions [1] ináms, endowments (Madras Regulation VII of 1817), pensions (Act XXIII 1871), subordinate officers leave and control income-tax stamps, forests, emigration, budgets (estimates of receipts and expenditure for district purposes), the Court of Wards (charge of land-estates of minors and incompetent persons under Madras Regulation V of 1804), compensation for land taken for public purposes, law-suits by and against Government, and many other matters.

According to their relative importance these matters are either decided by the whole Board or by the two Land Revenue Commissioners jointly or by one Commissioner on his own responsibility [2]

The Settlement Commissioner takes up besides the direction of revenue Settlements and revision of village establishments and remissions— special (on occasion of grave calamity) and fixed —the subjects of internal trade and commerce, irrigation, statistics (cultivation, rainfall, prices, seasons, crop-produce, industries), rules regarding wells, composition for second crop, &c., transfers of land from dry to wet, from unassessed and purambok to assessed cowles, agriculture, famines, cattle-disease, jamabandí reports.

The Commissioner of Separate Revenue takes salt, ex cise, opium, customs, and sea borne trade.

The proceedings of the Board, when they are of perma

[1] Which mean assignments of land-revenue to particular persons causing deduction of all or part of the revenue recorded as assessed on particular holdings or particular revenue-rolls.

[2] Madras Act II of 1883, Section 1 The distribution of business and reservation of any part of it for concurrent judgment of two members, or for 'the decision of the collective Board has to be notified in the *Gazette*. See *Fort St. George Gazette* of 5th April, 188- Part II. p. 548. accordingly

nent interest, are, after the sanction of Government, incorporated in the collection of 'Standing Orders. These orders deal with general administration, interpretation of Acts and orders, &c., and form an authoritative code for the use of all officers subordinate to the Board [1]

§ 2 *District Organization*

The Madras Presidency has no system like that of Bengal and the other provinces, where there are Commissioners of Divisions (aggregates of three or more districts) intermediate between the District Officer and the Chief Revenue authority

The Members of the Board themselves have the title of Commissioner and there are no others.

There are twenty two districts in Madras. The Nílgíris form an exceptional Hill district, and the Madras district of one taluk) comprises the capital and its suburbs; the other twenty districts are of considerable extent, averaging 6919 square miles, with over 1,500,000 inhabitants and a gross revenue (i e. land revenue and exciso salt, stamps, income-tax, &c.) of about forty lakhs of rupees each [2]

The limits of existing Districts or Zilas may be altered from time to time, under Madras Act I of 1865, of which one section remains in force. The Madras districts are very large, and in fact the Collector may almost be said to be more like the Divisional Commissioner of other provinces, while the heads of subdivisions under the Collector are like District officers of other parts.

Each district is divided into divisions, one of which is the Huzúr where the Collector of the district has his head quarters and the others are presided over by an Assistant or Deputy Collector The division includes two or three up to five taluks.

The taluk (with its kasba or head-quarter station) is the charge of a Tahsíldár

[1] *G O No.* 117 *dated* 31st *January* 1887

[2] Maclean gives thirty five lakhs; but, comparing the total figures in the Adm. Rep. for 1887-8, the number in the text would seem more correct.

In large taluks there is a deputy Tahsíldár of a section (firka) of the taluk.

At the head of the whole is the Collector The Sub-Collectors[1] or Assistant Collectors, and Deputy Collectors (uncovenanted) are subordinate to him the latter are usually in charge of treasuries, or are Deputy Collectors on general duty These officers are all Revenue officers with magisterial powers as in other provinces.

Collectors are competent, on their own authority to appoint, suspend, and dismiss officials below the grade of Deputy Tahsíldár Tahsíldárs and deputy Tahsíldárs are appointed and dismissed under the orders of Government, and the Collector's (office Superintendent or) Serishtadár under orders of the Board. The Collector has only powers of suspension and other discipline.

The taluk or tahsíldárí charge averages 700 square miles in extent, and contains about 100 villages, with a population of 150,000, and a revenue of two and a half lakhs of rupees. Under the Tahsíldár are the Revenue Inspectors[2] whose proper duty is to move about and see that all the village registers and accounts are so kept up that the jamabandí or annual Settlement can be made without delay It is on the efficiency of these Inspectors and the village officers, that the prospect of ultimately abolishing all separate Settlement establishments depends.

Section II.—Village Officers.

§ 1 *The Village Staff*

The village officials are of no less importance to the revenue administration. As the village system (says Mr

[1] The title Sub-Collector (Subordinate Collector), comes from Madras Reg. VII of 1828, which empowers those officers (and Assistant Collectors) to act in subordination to the Collector

Dr Macleane gives the staff thus :—

15 Sub-Collectors (two called Principal Assistant Collectors)

20 Head Assistant Collectors (two called Senior Assistant Collectors

4 Special Assistant Collectors (two called Special Assistant Agent).

45 Assistant Collectors (passed and unpassed, i.e. the local examinations).

There are 65 Deputy Collectors (Act VII of 1857) in grades.

[2] Equivalent to the Kánúngo of North Western Indian districts.

Garstin) 'is the keystone to the arch so to speak on which the stability of the whole revenue administration of the country depends, its soundness, or in other words the efficiency of the village establishments, is a matter of supreme importance.

Though the various reports recognize the old Hindu Bára baluté or twelve kinds of servants[1] these do not always exist in this order or number We are here only concerned with those that have Government functions and they are the headman[2] and the karnam or village accountant.

There is a public place or office in the village where business is transacted called chávadi or kovil

§ 2 *The Headman*

The headman who is a much better educated[3] wealthier, and more important person than (at present) the lambardár of Northern Indian villages not only aids in collecting the revenue which is paid through his hands but is a petty Magistrate and Civil Judge[4] As Magistrate he deals with petty crime assaults affrays &c.; as Civil Judge (village Munsif) he decides suits for money and personal property up to R. 20 in value (without appeal). With consent of the parties (given in writing) he can adjudicate as arbitrator any claim up to R. 200 in value If the parties consent, he can also call a panchâyat[4] of not less than five nor more than eleven

[1] L. (1 The Headman, ( ) Karnam (Patwári or Accountant (3) Shroff or Shroff [illegible] the zamindar [illegible] useful function [illegible] in former times when [illegible] were [illegible] (4) Nirganti (who looks after the distribution of the irrigation), (5 Tilyári or Talári (village [illegible] (6) [illegible] (7) Blacksmith, (8 Goldsmith, (9 Carpenter (10 Barber (11) Washerman, (1 Astrologer (1 [illegible] days for [illegible] plough, harvesting &c.

[2] Known by many names according to the local dialect [illegible] the [illegible] (*Hindi*) [illegible] naidu, peddakápu, nátamkár &c.

[3] In his report on Revenue Settlement (1883) Mr Garstin remarks 'Their efficiency can only be increased by insisting that no person shall be eligible to hold the office of village head or village accountant who cannot read and write well and keep accounts.

[4] I mention these facts because there has been some movement in the Panjáb of late for the adoption of this kind of agency as a means of settling disputes locally and without kindling ill feeling and wasting money over pleaders and lawsuits at headquarters remote from the villages.

[4] See (M.) Regulation IV of 1816 amended by (M.) Act IV of 1883 and (M.) Regulation V of 1816.

persons, the majority to decide. This applies to cases of the same class (money and personal property) without limit of value and without appeal. I am informed, however that the panchâyat system is not successful or much resorted to.

The police duties of headmen and their duty as to repressing and informing about crime, need not occupy our attention in this manual.

§ 3. *The Karnam.*

The *accountant*[1] is chiefly concerned with keeping the village accounts and registers—of which presently. Karnams in Zamindárí estates are under Regulation XXIX of 1802 and need not occupy our attention.

I shall not go into the question of the difficulty that may arise where the office is hereditary and a claim to it, as a property irrespective of fitness for employment, arises[2]. It is naturally regarded as highly objectionable that the Collector should be obliged to appoint a son or descendant of a late headman or karnam, when he is unfit for the public duty. Doubtless this will be settled by legislation before long.

§ 4. *Remuneration.*

The village headman and karnam used to receive payment sometimes by inám[3] (revenue-free) lands, sometimes by méra, or fees from the revenue (shares of the grain).

Act IV of 1864 was passed to enable Government to levy a land-cess not exceeding one anna in the rupee on the assessment, so as to establish a regular fund from which to pay the village officials. The inám rules also enabled

[1] The accountants of the villages in the Kistna district are mostly Brahmans, and so in Cuddapah, Godávari, and Nellore. It is said that they are descendants of Brahmans brought in with the northern conquests of the Chola kings. Their own account is, however that they came from Northern India. Their position whatever its origin, has given them great influence: This system of village accounts or karnams was regularly established about the year 1144 and there are extant copies of the list of karnams of that date, many of the present office-holders claiming to be able to trace back their pedigree to the karnams entered on that list (*Kistna D. M.*, p. 342).

[2] See Madras Regulation VI of 1831.

[3] The Nilamányam, &c., when it was a land-grant; tírwamányam when it was an assignment on the revenue total (tírwa) assessed on the village.

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i. e. (1) The Headman, ( ) Karnam (Patwári or Accountant), (3) Shroff or Notágar (he examines the coins paid in, a useful functionary in former times when coins were so various), (4) Nirganti (who looks after the distribution of the irriga tion), (5) Tallyári or Tóti (village constable), (6) Potter (7) Black smith, (8) Goldsmith, (9) Carpenter, (10) Barber, (11) Washerman, (1) Astrologer (to tell the auspicious days for beginning to plough, harvesting, &c.).

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[2] See Madras Regulation VI of 1831

[3] The Kilamányam, &c., when it was a land-grant; tirwamányan when it was an assignment on the revenue total (tirwa) assessed on the village

Government to assess and resume, or consolidate and grant proper titles for inám lands of hereditary officers.

It was part of the work of the new Settlements to revise village establishments and put their pay and their ináms (where these were retained) on a proper footing [1]

Section III.—Land-Revenue Business and Procedure.

§ 1 Village Accounts.

I pass over the district and taluk accounts, because they are merely abstract and generalized statements, in the end derived from the village accounts For example, the taluk accounts are in form like those of the village only that they give the totals of many villages comprising the taluk, instead of one village only

The first reform of village accounts was effected in 1855, when the use of the Maráthí character was no longer required, and writing on cadjan (strips of flattened palm leaf) was abolished. The account-forms have since been revised from time to time.

§ 2. The Permanent Accounts.

The permanent accounts consist of five Registers which represent the state of the land and its assessment as fixed at Settlement. They are in fact adaptations of the Registers made at survey-Settlement; certain forms being separated for convenience. The nature of these registers will be at once understood from the mere enumeration of them.

Register A (Field Register) shows every field (survey field and subdivision) in the village, whether Government or inám, wet, dry cultivated, or purambok the source of irrigation; whether one crop or two, what *group* it is in what is its soil class the taram or revenue-rate applied

[1] A village service fund has been constituted, made up of the cess under Act IV of 1864, the quit-rent of enfranchised village office ináms, the assessment minus the jodi or quit-rent of resumed village office ináms, and deductions of revenue made in Settlements prior to Act IV for cost of village servants (Macleane vol. I, paras. 187 91). The total cost of village establishments is about forty-eight lakhs.

the extent in area and the total assessment Lastly, comes the name of occupant, &c., and remarks.

The enclosure to this register is an *abstract*, grouping Government and inám lands together Thus —

Nature of the land	[illegible]	[illegible]	[illegible]	Rate.	Government		Inám		Total	
					Extent.	Assessment.	Extent.	Assessment.	Extent.	Assessment.
				R. a. p.	acr cts.	*R. a. p.*				
Dry	II 3	8		2 4 0	3 0	6 12 0		...	..	
	V 1	8		2 4 0	1 0	2 4 0				
	III-4	6	..	1 8 0	7 0	10 8 0	..	..	..	
	&c.			...		......				..
Wet	IV-2	5	2	7 8 0	1 0	7 8 0	...		..	...
	&c.					......	...	..		..
Purambok					..	..				
Village site					1 80					
Cattle shed					0 50	...				
&c.			...	..		...		...		...

Register B is a register of any inám fields in the village, giving particulars of the field, its taram, its quit-rent, the part of this payable to Imperial Revenue and the part to the village service fund.

Register C shows the sources of irrigation, and the fields included in the area or ayacut[1] supplied by each.

Register D shows the area occupied and charged as irrigated under each source of irrigation for a series of years.

Register E shows the Land revenue Settlement for a series of years—under dry and wet —showing the area and assessment of holdings, waste remitted (i.e. allowance for unculturable bits like the pot kharáb of Bombay), the remainder charged, the remissions other than those on waste, and the net charge, besides miscellaneous revenue, local and special funds. Columns at the end show the actual collections on this demand.

[1] So much Government and so much 'inám, with extent and assessment of each.

§ 3. *The Monthly and Annual Accounts*

We are next concerned with those periodical registers by which the Land Records are continually maintained in a correct form, showing all charges and all facts, not as they were at the date of the Settlement, but as they are at the time.

At present they consist of the following which are habitually alluded to not by name so much as by the number which I have shown prefixed to each.

No 1 shows the particulars of monthly cultivation for each field by its number and letter whether Government or inám the source of irrigation, the name of the holder the kind of crop raised (first and second). This is, or might be made, the basis of all agricultural statistics in the country An abstract (enclosure A) shows the area under each crop for the month, with columns for an *estimated* outturn[1] and for the actual outturn if the crop was harvested in the month.

No. 2. This is the adangal, or annual statement of occupation and cultivation, field by field. It shows, first of all, the fields (Government or inám, number and letter revenue-rate (taram) single or double crop area, and assessment) as they appear in the Settlement-survey or mámul account. Then follows the name of the holder the sources of irrigation if any, the occupation, the actual cultivation, and remarks of the karnam.

If this is carefully kept up it forms the basis of the annual jamabandi Settlement.

It has several enclosures, such as a list of lands cultivated without application[2] —a list showing the total area of each kind of crop for the year a statement of groves and planta-

[1] The estimate is indicated in one or other of four columns, viz., over-abundant crop (twenty annas), full (sixteen annas), half (eight annas), quarter (four annas).

[2] Such cultivation is now permitted subject to certain instructions. The revenue is brought t account as Sivoy Jumma (Siwái jamá, revenue over and above the regular account).

tions particulars of irrigation (area irrigated and crop raised from each source) changes in the ayacut of irrigation works (such as deduction on transfer to purambok wet transferred to dry area, or an addition for unassessed land brought into cultivation under the tank, &c.)

No 3 is the Annual Register of *changes.* Fields taken up on darkhwást (application for permission to hold) transferred by sale, &c., relinquished, sold for arrears of Government revenue converted from single to double-crop land, &c., &c. *An enclosure to this shows the total area* affected by each kind of change.

No 4. Land purchased by Government at sales for arrears.

No. 5 is a statement of remissions of revenue (see p. 99 post).

No 6 is a statement of water-charges, i.e. when a separate water rate is charged. This additional charge may be made on inám as well as Government lands (see p. 73 ante).

No. 7 is the statement of 'Miscellaneous Revenue i.e. inám-quit-rents, fine or charge on unlawful purambok cultivation, rent charged on groves or certain kinds of trees fishery rent, rent for grazing land, &c.

No 8 is a statement of wet occupation, showing for Government land the fields always irrigated, converted from dry fields, waste added in, also miscellaneous receipts and for inám and zamíndárí land, that irrigated free of charge, charged, and totals. This under each source of irrigation for each wet group (see p 62, ante).

No 9 shows any local and special funds collected (from each person) other than those leviable on ordinary Government lands

No. 10 is a sort of individual chitta or personal ledger *of each cultivator* *Section* I. shows the particulars of the original holding, additions by transfer or by land taken up on application, &c. under dry and wet separately Section II. shows the assessment on these lands, deducting remissions and adding miscellaneous revenue, land

cess, village service, and special funds (as per statement No. 9)

[*No* 11 is not an account, but the form of *patta* granted to each raiyat.]

No 12 is an account of Settlement in abstract it gives the number and name of each person his holding as last year *deducting* changes by transfer or relinquishment, and *adding* new land acquired, and then the total. Against this is the column to deduct remissions, and showing the remainder charged (under different heads), and the miscellaneous revenue due to local and special funds.

No. 13 is a chitta of daily collections from raiyats (daily cash chitta).

No. 14 is an abstract (or individual revenue ledger) for the year of collections from each raiyat, with balances, with enclosures showing total collection and balances, and arrears reported irrecoverable and any excess collections.

No 15 is a list (signed by the headman and karnam) of revenue collections remitted to the treasury after authorized deductions (e.g so much to headman, karnam, and beriz deduction to such and such a temple)

No. 16 shows the liability at the end of every month, of each raiyat, with reference to the several years to which arrears appertain.

No 17 records the interest due on arrears.

(*No* 18 is a form of receipt to the raiyat.)

Nos. 19, 20, 21 22 are statistics of births and deaths, cattle-disease, season reports, quantity of water in tanks and channels, number of patta-holders, joint and single inámdárs, landholders who have redeemed the revenue, purchasers of waste land under the waste-land rules, statistics of agricultural stock, of irrigation works (in and out of repair).

No 23 is an abstract rent-roll.

The object of the detailed irrigation accounts which have been noticed above, is to afford a ready index to—

(1) the share of the revenue derived from irrigated lands that is due to irrigation;

(2) the extension of irrigation and increase of cultivation resulting from the construction of new irrigation works and the restoration and improvement of old

(3) The financial results of such works.

The rules for preparing the accounts so as to separate, in all cases, the water-charge and the dry-charge are to be found in the *Accounts Manual* and need not here be detailed.

§ 4. *The Jamabandí.*

It has already been explained that as the raiyatwárí system allows each raiyat to alter his holding by transfer by relinquishment, and by taking up available waste, or fields relinquished by others and as he is allowed certain remissions fixed and casual (on wet lands for failure of crops) there must be an annual settling up to show what lands each raiyat has actually held, and what amount (on all accounts) he has actually to pay for the year This process is called the Jamabandí. If the village accounts have been duly kept up and the Revenue Inspectors have been on the alert (checked by the Tahsíldárs) to see this done, the *jamabandí* ought to be an expeditious and easy process.

The most recent orders regarding the making of the *jamabandí* are in G O No. 521 dated 27th May 1887 —

The jamabandí, or annual Settlement, should be conducted at not less than three stations in each taluk. These stations should be selected with care they should be villages of considerable size and easily accessible. In reporting upon the Settlement of their several districts, Collectors will state whether this rule has been complied with. The villages to be settled each day should be decided the previous day or earlier, and lists showing the order in which they will be taken up should be posted for general information in conspicuous places at the Tahsíldár's and also at the settling officer's cutcherries, so that village officers and raiyats may know about what time their village will be called up for Settlement.

2. The Settlement of each taluk must be made within the

fasli year[1] at latest, and the taluk demand-statement must be closed within fifteen days after its expiration. After the Settlement officer has left the taluk, the Settlement accounts must not be altered without his sanction, or in his absence from the district, without the sanction of the divisional officer previously obtained in writing. The general demand-statement for the whole district, which is compiled from the taluk statements, must be closed within one month after the expiration of the fasli year

'3. The Settlement of each taluk in the district should be conducted by the Collector himself once in five years.

'4. The annual Settlement is conducted with a view to ascertain and record the demand of *all* the items of land revenue within the taluk. It is not sufficient merely to fix the demand for raiyatwár villages. The demand of permanently-settled estates, inám villages, and minor ináms should be settled at the same time. As the Settlement also affords an opportunity for the inspection of the village and taluk accounts, all Collectors should see that, at each Settlement, a thorough and intelligent examination of the village accounts themselves, and a careful comparison of them with the taluk accounts, are carried out. Opportunity should also be taken at the annual Settlement of each taluk to see that all the taluk authorities from the Tahsildár downwards have, during the fasli, been doing all that is expected of them by Government, particularly in respect of the following subjects the careful inspection of cultivation, the prompt disposal of darkhwásts (applications) for and relinquishments and transfers of, lands, the examination of the cash accounts, claims to remission, and the collection of kists (instalments of revenue) as they fall due.

5. It is very important, in view of the growing amount of clerical work demanded from village officers, that the karnams should be kept away from their villages for as short a time as possible. If the taluk authorities and divisional officers make a point of examining whether the prescribed village accounts are kept written up to date by the karnams, as they should be, blank spaces being left for all entries which depend upon the orders of the settling officers at the time of *jamabandi* and if

[1] i.e. the Agricultural year (Fasl (A.) = harvest). It begins on 1st July and ends on 30th June. This has really nothing to do with the old Faslíera introduced by Sháh Jahán, though in South India the Fasli year begins on 1st July also. See § 7 post

all cases of relinquishments, applications, and transfers, and of charges for unauthorized cultivation or for the use of Government water are disposed of promptly by the taluk and divisional officers, there should be no necessity for any karnam being kept away from his village more than a short time. The system of summoning karnams to the taluk cutcherry and detaining them there for weeks together to write up accounts, which should have been prepared during the year, should be put a stop to.

6 In the following paragraph brief instructions are drawn up for the use of district officers in conducting the annual Settlement. In these instructions the responsibilities of karnams and the revenue inspectors are chiefly referred to. The Settlement officer will, however not forget that the Tahsildár is himself personally responsible for the state of his taluk, and that, as principal administrative officer, he is responsible for the conduct of all the officers under him. It will be the duty of the Settlement officer to see that during the fasli year the Tahsildár has carried out all the duties of his position, which involve the supervision of all the work done by the subordinate revenue officers in the taluk and the constant inspection of their work. Under the Tahsildár the chief officer in the taluk is the taluk Sarishtadár and he is primarily responsible for the examination of the village accounts and the correct preparation of the taluk accounts, and the Settlement officer should see that his work has been efficiently performed. The examination of the taluk and village accounts will at once show how far he has satisfactorily executed his duties.

7 Collectors should impress upon their divisional officers that the Jamabandí is the appointed opportunity for the thorough overhauling of all the accounts maintained in the taluk. All the difficulties which have been felt hitherto in most districts in reconciling the village and taluk accounts, and in clearing up the district balances, have arisen from confusion in the taluk and village accounts, which would not have existed had the annual Settlements been always intelligently and thoroughly conducted.

8 The Settlement officer should satisfy himself that all the wet waste and shávi, &c. (remissions allowed in wet lands for loss of crops) have been inspected by the taluk officers, and that the claims to remission are well founded, testing the reports of these officers by an examination of village accounts Nos. 5 A (Statement showing particulars of irrigation) and 10

(season report) He should invariably record his orders in his own handwriting, in ink, in statement No. 5 (the remission abstract).

9. Immediately after the claims to remission in each village are disposed of, the karnam should at once write up the abstract statement of Settlement—No. 12—filling up every column which he has left blank for the Settlement officer's orders and bringing out the total beriz of the village.

[Then follow detailed instructions for comparing the statement with others and verifying the column entries.]

12. The distribution of the pattas should not be made before this abstract statement of demand (by villages) is completed and signed. When the officer conducting the Settlement of a taluk is not the officer in divisional charge of it, a copy of the taluk abstract statement No. 12 (abstract of Settlement) should be sent to the divisional officer as soon as the Settlement of the taluk is complete. The divisional officer will forward it, with the subsequent statement showing the demand accruing after jamabandi, to the Collector.

13. Abstract statements should be prepared for all permanently-settled estates, inám villages, &c., and minor ináms situated therein, from the taluk register B (register of the beriz of permanently-settled estates, &c.), showing the demand under all heads of revenue.

An important portion of the Settlement officer's duty is to supervise the scrutiny of the arrear balances outstanding. One of the clerks of his establishment should see that all the balances shown in village account 14 (individual ledger) have been fully accounted for in the taluk demand, collection and balance statements Nos. 15 A and 15 B, including the irrecoverable arrears written off that the collections shown in village cash accounts, 14 14 A, 15, and 16 agree in all respects with those entered in the taluk accounts Nos. 15 (abstract of raiyatwár collections) and 15 A (demand, collection, and balance statement), and that the balances obtained by deducting the collection shown in the several accounts from the demands brought forward at the beginning of the year are the same in both sets of accounts. The totals in the daily cash chitta 13 should be checked in as many villages as possible. Complete agreement between the village and taluk accounts should be insisted upon, and any difference, however slight, should be reconciled or satisfactorily explained.

[Paragraph 15 gives details as to the way in which the village accounts should be checked and corrected.]

16. Officers conducting the jamabandí in settled districts should be required to see that each karnam produces for inspection, at the time his village is taken up for Settlement, the maps and Settlement registers of his charge. If they are not found in good order, fresh ones should be supplied at the karnam's expense from the taluk cutcherry. It should at the same time be ascertained that the file of *District Gazettes* and circular orders in charge of the village officers is complete.

§ 5. *Remissions.*

Allusion has been made to remissions[1]. They are divided into occasional and fixed. The principles of occasional remission are these:—no remission is allowed for unirrigated lands, the rate of assessment being moderate and fixed after taking into account all ordinary casualties. On irrigated land even, remission is not allowed unless the crop is 'waste' or damaged *owing to causes beyond the raiyat's control*.

§ 6. *Casual Remissions.*

The causes are thus technically described:—

(1) Shávi (withered) i.e. for crops withered by failure of water or blight.

(2) Pánbudít or paimálí[2] (inundated): crops destroyed by flood.

(3) Palanashtan (loss of produce) applies to districts not yet settled, and where, on partial loss of crop, some reduction in the rate of assessment may be called for.

(4) Tirwá kamí (reduction of revenue); when there is a wet assessment, and no water has been obtained and a dry crop only has been raised, there is a reduction from wet to dry rate.

(5) Fasl kamí (crop deficiency) would be allowed when land is assessed to two crops, and one fails.

[1] We are speaking here of remissions in ordinary years, not of great calamities, famine &c. which call for special measures, in any and every province.

[2] See Salem *D. M.* vol. ii. Glossary sub voce.

(6) Miscellaneous, such as may occur under any system whatever e. g land removed from the register and taken for public purposes, washed away by river &c.

§ 7 *Fixed Remissions.*

The fixed remissions are those granted for reasons other than seasonal causes. They consist of the following items —

(1) For labour in reclaiming waste numbers, e. g land on a high level rendered fit for wet cultivation.

(2) Remission in unsettled districts, made because the old rates are considered too high.

(3) Remissions made in introducing new enhanced rates, when the increase is not taken all at once but gradually

(4) Remissions to privileged classes but the revised Settlements do away with such.

(5) Remission on irrigated rates where the water is obtained by *lift* not by *flow* (and the cost and labour are greater).

(6) Remission granted for groves and topes to encourage plantations. For twenty years remission is granted, after which assessment is levied if the grove is kept private it is permanently remitted if the grove is made public. This only applies where there is an actual grove or tope, not merely where trees are planted on land which is cultivated and yields crops.

(7) Dasabandham or remission for constructing or repairing tanks wells, and channels.

(8) Cowle (qaul) remission for bringing land that has long been waste under the plough.

(9) Miscellaneous remission of assessment in favour of a temple, &c.[1]

[1] There are special remissions on grazing lands in the Nilgiris and on taking up forest land for cultivation in Malabar They do not need notice.

§ 8. *Beriz Deductions.*

There are also what are called sundry deductions or beriz deductions [1]

This means, cases where a certain part of the revenue is deducted, i. e. not paid into the treasury but handed to the village headman, who disburses it for the purpose to which it is to be applied (e g pay of village servants), or where an amount once consolidated with the revenue is separated and paid to a special purpose (e. g road-cess in the Kistna district)

§ 9 *Where Remissions are not allowed.*

It should be remarked that in Zamíndárí, muttha, and other estates where the revenue is permanently fixed, remissions for loss of crops are not granted. There may be a deduction, of course, if land is taken up for a public purpose, and a water rate remission for Government water charged by the year or on a composition, if the supply fails [2]

Macleane, vol. i. (*Land-Revenue Collection*) § 55, p. 135.

If it may be permitted to record the reflection that occurs to an outsider on a system which certainly possesses many admirabl features, it is to wonder why the fixed remissions are not abolished. Where it is a beriz deduction it is not really or need not be, a remission of any particular raiyat's revenue at all. As to the casual remissions I would not venture an opinion. The policy of remissions generally has been discussed in th general chapter in vol. i. It may here be noted that in Zamindári estates no remission is allowed, and consequently the raiyats get none yet they manage very well; (I do not refer to the extraordinary remissions which great calamities necessitate). The author of the Vizagapatam *D. M.*, on the contrary remarks (p 123 that absence of remissions is beneficial; the raiyats become careful to maintain, by their own labour on periodical repairs, the tanks and channels for irrigation; while he says that the Government raiyats systematically neglect these works, trusting that if water fails Government will remit the assessment in whole or part.

Another point is that the village accounts are too numerous and too complicated. The karnams (as old hereditary servants are apt to be) are said to be far from fficient, and the Revenue Inspectors still less so. At every jamabandi, th village accountants have to be called up all over the taluk to the Tahsildár's cut berry and, in spite of orders to the contrary to be kept there for a long time, writing up the elaborate accounts. It may be desirable to possess detailed information, but in the end the standard of detail must be conformed to what the agency as practically available, can be made to give. Accounts that are kept up to date, even if not ideally perfect, are better than more laborate papers imperfectly filled. With accounts so few and simple as t be really checked by active Revenue Inspectors, and kept up to date the jamabandi would be a much simple matter than it is now and more real and efficient.

§ 10. *Miscellaneous Revenue.*

It has been incidentally mentioned that various items of Miscellaneous (Land) Revenue are levied besides the regularly assessed revenue. To this head, for example, is credited quit-rent on inám lands less than a whole village; income from rented villages (estates in the hands of Government managed direct or through a renter[1] Rent or grazing tax paid on unassessed lands available for grazing rent of islands in rivers, which are Government property and not treated as raiyatwárí lands rent for palmyra (*Borassus*) palms[2] and fruit-trees. A number of other items are mentioned, but these will suffice to explain the subject.

§ 11 *Extra Charge for Water*

Irrigated lands, as we have seen, are classified as bearing one crop. But some of the old assessments are still in force under which a double-crop assessment has been levied.

When a second crop is raised, it is separately charged for at the jamabandí; but in some cases (see p 73 ante) a raiyat is allowed to compound once for all for a second crop.

As this subject was mixed up with the question of private wells on dry land (which never cause any increase in the assessment, at least not to make the land irrigated) and with the question of wells in wet lands, it was more convenient to dispose of the whole subject under the head of Settlement procedure. Properly the fasl-jyásti (increase) or fasl kamí (decrease) for second crop grown or second crop withered, &c., is a question for the jamabandí or annual Settlement, and not for the survey Settlement, unless it is a question of compounding for second crop charges.

§ 12. *The Agricultural Year*

The year for village accounts is the agricultural year, which begins on the 1st July and ends 30th June but it is a question whether this will be retained. The year so fixed

[1] In Vizagapatam, two large estates (Zamíndárí), which lapsed to Government, have been for years, owing to special causes, rented for R. 1,30,000.

[2] Which yield toddy from their juice; the leaves also are useful and the fruit. The toddy is a matter for the excise department however For other items see Maclean vol. I. § 160.

is supposed to include the period of sowing and harvesting all crops, but in reality it does not do so [1]

§ 13 *Transfer of Holdings.*

This is a branch of business which occurs under all systems often under the name of Dákhil khárij (entering and putting out) In order that it should be known who holds any particular field, and who is therefore responsible for the revenue, it is necessary that every transfer should be known and registered The rules provide for registration of permanent transfer in the revenue records, when both parties consent or one person, producing a deed, satisfies the Collector &c.) that the transfer is genuine. Temporary transfers (lease, *mortgage, &c.) are not registered, unless both parties consent.* Where the transfer is compulsory (as on decree of Court) it will be registered on production of the sale-certificate, or if there is none, on the applicants proving the transfer

Transfers by *succession*, where there is no dispute, are at once registered. Where there is a dispute, the Collector publishes a notice and holds a summary inquiry On the expiry of the notice, unless an objector appears the change will be registered. If one comes, and *primâ facie*, there is a question to be settled, the parties will be referred to a regular suit, and the transfer will be recorded on the result of the suit being known.

A person absent for seven years, without any evidence that he is alive, is treated as deceased.

Applications for registering transfers may be made to the Collector or Divisional Officer or Tahsildár or Deputy Tahsildár or Revenue Inspector

A useful provision may here be noted: when a deed is registered (under the Registration Act) the Registering Officer is bound to ask the parties whether they consent to the transfer being noted also in the revenue records and if so, he causes them to sign an application for the transfer which is then sent to the proper officer and registered with out further formality

[1] See Mr Garstin *Report on the Revision of Revenue Establishments*, 1883, § 27 et seq.

All this applies equally to transfers of enfranchised inám holdings, but not to permanently-settled estates, which are transferred in the Collector's Office under Regulation XXV of 1802.

In Zamíndárí estates, when the owner desires to transfer (by sale, &c.) a portion of his holding Madras Act I of 1876 provides for the partition and registration of the separated portion, as regards its area and revenue.

Sometimes the question of transfer is the subject of appeal one appeal is allowed, and a second only for special reasons[1]

§ 14. *Subdivision of Fields.*

It may happen that a survey field has to be subdivided after Settlement thus is done on the same rules, as noticed already under the Settlement procedure (p 56 ante).

§ 15 *Maintenance of Boundaries.*

The importance of the permanent maintenance of the boundary marks of villages and fields is exceptionally great under a raiyatwárí system.

In Madras care is taken to enter in the registers such a description of the direction of the boundary lines that the limits of a survey number and of its subdivisions can be traced even if the marks are from any cause obliterated.

But Act XXVIII of 1860 (amended by M Act II of 1884) provides for the maintenance of boundary marks.

Under the former Act power is given (as already noticed under Settlement-Demarcation) to determine the boundaries both of villages and fields, and to settle disputes. Act II of 1884 deals with the taking charge, by the Collector of boundary marks after the completion of a survey and provides for enforcing their preservation by the owners or occupiers of land of such marks. Government, it is provided, bears the cost of marks for extensive waste tracts being State property the owners bear it in other cases. A penalty of R. 50 for each mark, may be inflicted on conviction before a magis

[1] This general account will suffice; for further details see G. O. No. 414, dated 1st June, 1886, and for appeals (darkhwást appeals) G. O. No. 854, dated 30th August 1887.

trate, for erasure of or wilful damage, to boundary marks half goes to the informer and half to the cost of restoration. If a mark disappears, and no delinquent can be found to whom the damage is attributable, the cost of restoration is divided between the occupants of the adjacent lands according to the order of the magistrate investigating the case.

§ 16 *Collection of the Revenue-Instalments.*

As to payment of Land revenue, the fixed assessment or peshkash of Zamíndárs, if large, is paid direct into the Collector's treasury; if small, into the local taluk treasury. Payments of revenue on other lands are made to the village headman. On receipt, the headman causes the karnam to enter the payment in No. 10, the village cash-book. After entry in the other abstracts, the money is despatched to the Tahsíl once in the month.

The revenue is paid in certain instalments, because the people have not capital to pay up once a year for the whole they must have dates of payment so fixed as to enable them to realize the crop by sale of the grain.

In former days a considerable number of qists was allowed but now instalments are not to exceed four (except in the Tanjore district). Every instalment is to be due on the 10th of the month, the first to be not earlier than December and the last later than May. Each Collector arranges (for sanction) lists of four instalments for his district or for separate taluks, on those terms.

§ 17 *Coercive Process.*

When raiyatwárí land revenue falls into arrear it is recoverable, together with interest at 6 per cent. and cost of process, under Madras Act II of 1864, as amended by Act III of 1884 by sale of moveable property (including uncut crops) or immoveable property or by imprisonment in the last resort, and if there is reason to suspect fraud. The imprisonment does not extinguish the arrears.

Zamíndárí land revenue is recoverable by process as defined in the terms of the particular sanad or title-deed

of holding A sale of a Zamíndárí requires the sanction of Government.

The land-revenue is a first charge on the land against all other creditors. Land sold for arrears is sold with a clean title, i.e. all encumbrances are voided, even including the Government assessment due to date [1]

It is not necessary here to go into the details of the Act as to issue of notices before sale and so forth. A defect in the Act relating to setting aside sales for arrears for material irregularity fraud, &c., has been cured by Madras Act III of 1884.

Coercive measures are but little resorted to [2]

§ 18 *Recovery of Private Rents.*

Zamíndárs, holders of shrotriyams, jágírs, and ináms, and farmers of land, can recover their rents under Madras Act VIII of 1865. For details the student may consult the Act itself.

§ 19. *General Subjects of Revenue Administration.*

There are other branches of district administration connected with the land, such as the rules for acquisition of land taken for public purposes, and compensation paid therefore also Taqávi or advances made to cultivators for land improvement under Act XIX of 1883, and Act XII of 1884 [3] With these subjects I do not propose to deal, as they are only indirectly connected with our subject.

§ 20. *The Revenue-Procedure Law*

Though the Zamíndárí system was introduced by Regulation XXV of 1802, no general Revenue Act exists, nor has

[1] Even the crops of an under-tenant are not protected; but he has subsequent redress by deducting the value from any rent due by him to the land-owner He may also pay up the arrears and so stop the distraint, recovering afterwards from the landlord.

It may be noted that, by section 52 of the Act, all arrears of Government revenue other than land-revenue, all fees and dues of village servants, and also local rates (Act V of 1884), may be recovered as arrears of land-revenue unless otherwise expressly provided.

[2] G O. No. 434, dated 7th June, 1886; No. 357 dated 6th July 1886; No. 19, dated 28th February, 1887; and No. 351, dated 31st March, 1887

the raiyatwári system ever been established by legislative enactment. The boundary preservation and boundary disputes enactments have already been alluded to, and so the Revenue Recovery Act (M.) II of 1864 (and III of 1884).

The Act III of 1869 enables Revenue Officers to summon persons to give evidence or produce documents in any matter in which they are authorized to hold an inquiry It is stated that the Act is beset with difficulties and requires amendment.

Really the Standing Orders of the Board are the Land Revenue Code of this Province and no one can thoroughly master the revenue administration without studying these in detail.

CHAPTER IV

THE LAND TENURES.

It will be borne in mind that the sections of this chapter as far as the VIIth, have reference to the districts of the Presidency *excluding* those of Kánara, Malabár and the Nílgiri plateau, which present special features and are dealt with by themselves in the remaining sections.

With this limitation, we may speak of Madras generally as exhibiting, so far as its land-tenures are concerned, those phases and forms which are commonly observed in the Indian provinces. As might be expected in districts largely peopled by Dravidian races (so-called) and by some Kolarian and many mixed castes, the village-grouping which is the universal primary feature, is of that character which the reader who has studied Chapter IV of the first volume is already familiar with as the raiyatwárí form. In some districts we have traces of the fact that in some places, over considerable areas, a landlord class had grown up in the villages—the phenomenon which forcibly claimed our attention in the North West Provinces and Oudh. These landlord claims will be found to be due, in some cases (e.g. Tanjore and Tinnevelly) to the existence of chiefs or of grantees or lessees, whose families divided, lost the position they once held, and became the landlords of the village soil. In other cases they are due to the special foundation of colony villages by expeditions sent out for the purpose. Subsequent events, in some cases

the misgovernment and oppressive taxation of later Muhammadan and other rulers, usually caused these landlord claims to fall into abeyance, and to be only partially remembered A large part of the general area, was however not affected by those early tribal movements and conquests, which furnished rulers and overlord families to Upper India nor did the Muhammadan rule long prevail. The raiyatwárí constitution of villages, which was really congenial to the Dravidian ideals, was therefore never *generally* interfered with. Native dynasties, chiefly of mixed or converted, or Hinduised, Dravidian origin, ruled, but do not seem to have altered the village constitution nor do they appear to have undergone that process of dismemberment, which in other parts we found to be a common source of origin to landlord families,—such families forming the proprietary body in villages over which their ancestors once ruled as chiefs or Rájás.

Circumstances also did not favour the growth of great landlords, except in the north (where there are Zamíndárs, the relics of the Mughal rule) and in some other places where chiefs, called poligars (to whom some allusion has already been made in speaking of the Settlements) established themselves. But as such estates do exist, it cannot be said that Madras tenures fail to furnish us with examples of the influence of State Revenue-collecting agencies on land tenures And the Presidency also abundantly illustrates those tenures which arise out of revenue-free grants.

Section I.—The Past History of the Madras Village.

§ 1 *Introductory*

Commencing with the village tenures, as the most obvious and the most universal, we shall be prepared to find that while the bulk of villages is now in the raiyatwárí form, there are local areas, of considerable extent, where the villages once contained a body distinguished as landlords by their claim to hold by inheritance and by their having

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With this limitation, we may speak of Madras generally as exhibiting, so far as its land tenures are concerned, those phases and forms which are commonly observed in the Indian provinces. As might be expected in districts largely peopled by Dravidian races (so-called) and by some Kolarian and many mixed castes, the village-grouping which is the *universal primary feature, is of that character which the* reader who has studied Chapter IV of the first volume is already familiar with as the raiyatwárí form. In some districts we have traces of the fact that in some places, over considerable areas, a landlord class had grown up in the villages—the phenomenon which forcibly claimed our attention in the North West Provinces and Oudh. These landlord claims will be found to be due, in some cases (e. g. Tanjore and Tinnevelly) to the existence of chiefs or of grantees or lessees, whose families divided, lost the position they once held, and became the landlords of the village soil. In other cases they are due to the special foundation of colony villages by expeditions sent out for the purpose Subsequent events, in some cases

the misgovernment and oppressive taxation of later Muhammadan and other rulers, usually caused these landlord claims to fall into abeyance, and to be only partially remembered. A large part of the general area, was however not affected by those early tribal movements and conquests, which furnished rulers and overlord families to Upper India nor did the Muhammadan rule long prevail. The raiyatwárí constitution of villages, which was really congenial to the Dravidian ideals, was therefore never *generally* interfered with. Native dynasties, chiefly of mixed or converted, or Hinduized, Dravidian origin, ruled, but do not seem to have altered the village constitution nor do they appear to have undergone that process of dismemberment, which in other parts we found to be a common source of origin to landlord families,—such families forming the proprietary body in villages over which their ancestors once ruled as chiefs or Rájás.

Circumstances also did not favour the growth of great landlords, except in the north (where there are Zamíndárs, the relics of the Mughal rule); and in some other places where chiefs, called poligars (to whom some allusion has already been made in speaking of the Settlements) established themselves. But as such estates do exist, it cannot be said that Madras tenures fail to furnish us with examples of the influence of State Revenue-collecting agencies on land-tenures. And the Presidency also abundantly illustrates those tenures which arise out of revenue-free grants.

Section I.—The Past History of the Madras Village.

§ 1 *Introductory*

Commencing with the village tenures, as the most obvious and the most universal we shall be prepared to find that while the bulk of villages is now in the raiyatwárí form, there are local areas, of considerable extent, where the villages once contained a body distinguished as landlords by their claim to hold by inheritance, and by their having

some form of *sharing the entire estate, waste and arable together*

These traces were, however at the beginning of the present century but faintly surviving, they did not affect the general application of the raiyatwári method of revenue management. In practice they are only represented by certain privileges, which the (general raiyatwári) system of administration provides for such as the right of a co-sharer to take up a waste or unoccupied field in preference to an ordinary village cultivator or an outsider

The village landholders, as they now generally are, form communities only in the sense that they live in one spot, under a common headman and *Karnam*, and employ the usual staff of village artizans in common.

Describing then the most usual form of Madras village, we may thus summarize the facts. Each village has a known local area, a name, and a central site (with or without detached hamlets) for residence it has always its headman, its *karnam*, or accountant, its messenger and watchman (totí and taliyári), its scavenger its guardian of irrigation, and the staff of artizans. The area of each village is divided into cultivated, culturable waste and purambok, i. e. uncultivated land *assigned to special purposes (from* which it must not be diverted) such as threshing-floors, cattlesheds, burial-grounds, building sites, roads, or sites of wells. There is usually some pasture-land allotted for the common use, though not the property of the village either jointly or severally

Waste available for cultivation and not reserved for special purposes, belongs to the State, and is available to be taken up by anyone applying for it and offering to pay the revenue assessed. At the first Settlements most villages contained a considerable number of such unoccupied fields. Had it been so in a village in the North West Provinces, such available waste (including the pasture-land) would have been given over as the joint property of the whole village and would ultimately have been partitioned among them according to their shares this at once emphasizes the

distinction between the North Western landlord and the Madras raiyatwárí village. As the group of cultivators *do not jointly own the land*, and as *the assessment is* laid on each field, not on the village in a lump-sum, no owner in the village is responsible for his neighbour's revenue nor has he any right to anything but his own holding registered in his name he has the user of the lands set apart for special purposes but only the user

§ 2. *Traces of the Landlord or Joint-Village.*

In certain parts of Madras there are unmistakeable proofs of the joint-village, and also other traces—chiefly in the prevalence of certain terms—which are less conclusive, because they are open to other interpretations. The subject is of great interest, because the Madras evidence when fairly considered leaves no doubt (1) that in the Tamil country we have an instance of the *formation of joint-villages* over a considerable area the strength of the claim to the allotted areas, and the principle of sharing it, being due not to the growth of particular chiefs, grantees of State, or scions of noble houses, but to the co-operative work of *colonists*, of a good agricultural caste, who in virtue of their conquest over natural difficulties, and of their equal rights, formed bodies which exhibited marks of coherence, and in fact that landlord spirit which gave them a claim to the entire areas occupied, and which, as among themselves, they held in equal shares. (2) We have elsewhere instances of villages in which a landlord class may be believed to have grown up this conclusion is warranted by finding the occurrence of such villages in places where (especially) various states and chiefships existed, and where the scions of noble houses, petty rulers, grantees and others may have naturally obtained the leading position in the villages and afterwards multiplied into co-sharing bodies. (3) We have also in the present state of these villages, an instance of the possibility of the formation of what are now raiyatwárí villages by the decay of the joint village. The landlord class, whether a colonist body or one that

distinction between the first colonizers (as qadímí, or old) and the páikárí or casual tenants, without there being anything like a landlord class generally As to the mániyam (the watan of other parts) being held, when it descended by inheritance, in family *shares*, that was a Dravidian institution at any rate it has no connection whatever with any landlord system, or plan of joint-holding in an allotted area or village.

It seems to me quite beyond the evidence to assert the prevalence of the colonizing system outside Chingleput, North and South Arcot, and possibly Nellore. As regards Nellore, opinion, no doubt, differs, and the *District Manual* notices the survival of terms which *may* indicate the system [1]

§ 5. *Landlord Villages in other Districts.*

The traces that we have of the landlord village in other districts occur as I have stated, in places where there were once kingdoms and chiefships, from which, whether by grant, or lease, or by the dismemberment of estates, families descended from the grantee or a chief, may long remain in (landlord) possession of villages and form (as the descendants multiply) a proprietary body claiming shares and vaguely remembering their dignified origin.

In Tanjore and Trichinopoly the evidence seems to me clear in Madura and Tinnevelly it is less positive

In the Dindigal portion of Madura, it was reported that rights of landlords existed some who were now raiyats claimed to be owners of certain *shares* which they desired to hold and to pay for without privilege of relinquishment they were called pattukat raiyats The Collector (Mr Peter) thought that the persons called karaikáran in Madura were village-owners the author of the *District Manual* controverts this, and states that they were the

[1] See *D. M* p. 477 As regards South Arcot, the Collector reported in 1817 Mirási right has never been recognised by any of my predecessors. But the whole Report affords indications that the system once prevailed; and it is worthy of note that the Vellálar caste still form 14·3 per cent. of the population.

result of an association of cultivators formed to resist the tyranny of the Tanjore government (at a later time) of which he gives a deplorable picture[1]

It is said that in the Tinnevelly *pollams* (or chiefs estates) landlord villages were common. The opinion is expressed that they fell into decay before the advancing desire for individual ownership and under the effects of modern Settlements[2]

In Tanjore it is fairly certain that similar villages existed in large numbers, though many of the villages (or rather hamlets) shown as owned by single landlords, were the result of partitions[3]

§ 6 *Districts where the System is not traced.*

I think it must fairly be said that evidence is either wholly wanting or inconclusive to show that joint-villages were ever established in the Northern Zamindári districts or in the Ceded Districts, or in Salem or Coimbatore.

These doubtful cases may be left as they are; it is impossible to go any further; unless, indeed, at any future time, further details should come to light.

§ 7 *Mirási Rights.*

Having considered the localities where traces of the joint village exist, and having attributed such villages to two kinds of origin, (1) special colonization; (2) growth of noble families or of grantees under a State organization it will be desirable to explain the nature of the rights claimed and the forms of village constitution. In every case the body of landholders was united by some kind of proprietary bond, and they claimed the entire area of the village (both waste and cultivated) according to the shares which their custom had established.

The right to a share in the estate was, of course

[1] Madura D. M. Part V p. 12.

[2] Tinnevelly D. M. p. 84, and see *Mirási Papers* p. 78. It is to be observed that in Chief estates, it is especially likely that scions of the family younger sons, &c., should get villages and in time multiply into proprietary communities.

[3] See *Mirási Papers*, p. 95, and in the sequel (p. 118, post) some further particulars are given about Tanjore

hereditary and we have seen that there is everywhere a tendency for the descendants of conquerors and ruling chiefs and first colonizers to speak of their title as— by inheritance. The fact is too universal throughout widely different parts of India, to be accidental.

In the Tamil country the right was called káníátchí (inheritance in land) Brahman owners spoke of their swástiyam kúnbhává was the (Maráthí) term used in Tanjore. The Perso Arabic term mirásí however gradually came into use, and was so generally understood, that mirásí right was used in all the reports to indicate the remains of any kind of right (of the landlord type) wherever found. It is important, however to remember that mirásí may be used of any hereditary right, e.g the right of the headman or the *karnam*, or even that of the village watchman or the temple dancing girl, all of whom may have a mirásí right to fees or perquisites or even bits of land held as remuneration for service

§ 8 *Features of the Mirásí Village.*

Mr Place when (at the end of the last century) in charge of the Jágír (Chingleput), found still surviving the Náṭṭán (Nautwan of the report) as the head of a *group* of villages he was evidently the chief of a tribal section, whose territory formed a nád the joint-village, singly was not subject to one headman, but to a council of the heads of families. Next, it was discovered that the villages were mostly divided into lots. Some were divided into a few major shares, and the sub-sharers, it was declared, did not look upon themselves as independent, but as subordinate to the heads of the major shares. Mr Place in his report of 1799, attributes this to the fact that the major shares represented the allotment made at the original colonization,—each major sharer being the head of a party of colonists, who came with a greater or less number of ploughs and labouring followers [1] It

[1] Mr Place report (that of 1799) is printed at p. 298 of the vol. ii. Fifth Report. It is a curious specimen of how tenures were examined

is quite possible that the sub-sharers, though as 'first clearers' of the soil and founders of the village, entitled to *all* the rights of co-sharers (as Mr Place acknowledges) were yet in the matter of representation, or negotiating with a public officer in respect of revenue matters, deemed inferior The King's officers would naturally select some one leading man to deal with, and so regarded the head of the share as the superior or principal. There were other villages where the large number of shares showed that either the body settling were all originally equal, or that the present body were the numerous descendants of one (or a few) original chief settlers or founders,—as we so often see in North India.

The villages exhibited all the marks of the landlord village where the whole area is claimed in shares. The grain produce was distributed in shares (mámúl váram) and besides the proprietors, there were hereditary and per manent tenants or cultivators, who had doubtless aided in the founding, and so were regarded as privileged, and yet as inferiors, not co-sharers There were also casual tenants. The former were the ulkúdí, the latter the parakúdí (outside tenants), or generally páíkárí (cor rupted into poycarry paicari, &c.)

The proprietary body could sell and gift their land while the kúdí could not.

I have not found any instance of the division of land by *ploughs*. It seems always to have been divided by fractions. The Tamil arithmetic only recognized such fractions as $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{8}$ $\frac{1}{16}$ $\frac{1}{32}$ and so on: so that fractions not of the series were called bits or *khandam*, and could not form regular shares[1]

§ 9. *Forms of Sharing*

In *form* of tenure the villages exhibited the same features as elsewhere—

in those days. Mr Place cannot understand anything but a *feudal* tenure and he refers to Blackstone and Temple and speaks of copy holders and the like as if no other form of land-tenure was possible.

Chingleput *D. M* p. 219, note.

(1) They might be held samudáyam or pasangkarei, i.e. cultivated and held entirely in common, and their produce distributed after defraying the revenue charges and village expenses

(2) or kareiyídu, i.e. where the land is temporarily allotted, but the shares are periodically exchanged so as to give good and bad in turn to each (the vesh of the North West Panjáb)

(3) Arudikarei (pálabhogam of some districts) Here the shares are divided out.

The division is apparently by ancestral shares, ascertained by lot[1] The division might be perfect or imperfect, i.e. the whole culturable area might be divided, or part might be left in common. Where part was common, the land was usually cultivated by tenants whose rents were taken to meet the revenue and village expenses, so that the individual sharers received the whole benefit from their own cultivation. If the produce of the common did not suffice the deficit was made up by a payment from each sharer

§ 10. *Exchange of Holdings.*

It is repeatedly noticed that in the Tamil country (colonist) the custom of periodical redistribution of the lots was practised. This is probably one of the early tribal methods, indicating in the first instance no doubt, a desire to equalize the advantages of holding land, so that each may have his turn at the better as at the worse lands. But it is interesting as being a relic of a tribal idea — a sense that property is not yet so *individualized* that it cannot be exchanged[2] and inequalities redressed.

[1] Vide Appendix to *D. M.* Tanjore. Where the ownership passed into one hand, the village became Ekabhogam or Jajmánam, — the zamindári khálls of Northern India). In Tanjore this happened from the desire of every mirásidár of consequence, to constitute his holding a separate village to be called by his own name. In Tanjore the villages were mere hamlets (*D. M.* page 408, note). They were afterwards clubbed together In 1807 there were in Tanjore—

1807 villages Ekabbogam (mostly hamlets).

soon separated (Arudikarei).

1774 joint (or Pasangkarei).

[2] See *Mirási Papers* (as regards the Tamil country) pp. 67 79, 178, 226, 341 395, 432.

§ 11 Utilization of the Area

In every case the village site was common land and the space required for the cattle-stand, burial-ground, site of public well &c. &c., was appropriated to these purposes, for the whole village or section of a village as the case might be, and could not be diverted from these uses.

The whole area of the village was then classified into (*a*) *vírampat* and (*b*) the *tárisu* or waste (*a*) was the cultur able area, which gave the váram or produce for division between the owner the king and the cultivators and village servants. The waste (tárisu) was divided into—the shékál karambu, culturable waste which often remained common and was cultivated where possible by tenants and the anádikarambu or immemorial waste, used for special pur poses, as the site of quarries, groves, and useful trees. It was not allowed to be cultivated[1]

The earliest distribution of the produce and payment of revenue being in kind, we find the right of the cultivator the owner the king &c., distinguished by terms ending in váram or wáram, i. e. the whole produce. Thus we have the vírampat or whole area yielding the váram or divi sible produce[2] the mél váram or king's share the tundu-

[1] This circumstance gave rise to the controversy whether the joint village (mirásidárs) owners owned also the waste. In the light of experience gathered from all India, there can be no doubt that all waste inside the village is as much the original property of the landlord community as the cultivated fields. But it is very easy to see how partly by the consent of the body the appropriation and cultivation of particular waste would be prohibited and how the State would also step in to limit the area of waste actually attached to the village (as it has done everywhere in the Panjáb and Central Provinces, where waste was abundant, and the villagers at first seemed disposed to claim unreasonable and enormous areas). Restrictions of this sort do not really militate against the principle that the waste really attached to the village is its property. Nothing at the present day in the Panjáb, is the cause of more bitter quarrels in the village, than the attempt of some one to break up and appropriate a bit of immemorial waste which the majority wish to see kept uncultivated. The people appeal to the Collector and to the Courts, to interfere, although they would stoutly maintain that the land is not the property of Government but of the village at large or the patti.

[2] When in process of time it came to be the practice to take some of the land revenue in kind (mostly wet crops) and the rest in money the area that paid in kind was called vírapat, and that which paid by money rate tirwájat.

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[2] See *Mirási Papers* (as regards the Tamil country) pp. 67 79, 178, 226, 341 395, 432.

In *Tanjore* the co-sharers did not enjoy a revenue-free grant in the village—possibly because they were grantees, or members of wealthy families not the original founders of the village, and as such holding the first-clearer's privilege in freehold land possibly also it may be due to the gradual decline of the privileges of owners. Nor were they recognized as entitled to a málikána or swámi bhogam on waste lands given out to be cultivated (by the authorities) to persons who were not co-sharers[1] The proprietary classes were mostly Vellálars and they have greatly declined in numbers and influence owing to causes stated in the *District Manual*[2]

§ 12. *Slaves.*

Brahman (and also other) proprietors largely employed *slaves* to cultivate for them and these slaves were looked upon as *glebæ adscripti* It is curious that these also called themselves mirásidár (in the *other* sense of the word above explained), though not of course using the term káni. The Vellálar they said, sells his birthright to the Súnár (gold smith and money lender) the latter is cajoled out of it by the Brahman, and he is swept away before the fury of a Muhammadan invasion but no one molests or moves the (slave) *pareiyar* whoever may be the nominal owner or whatever the circumstances of the time, they are safe in their insignificance, and continue, and will ever continue, to till the ground their ancestors have tilled before them[3] Thus slavery was not the result of foreign traffic, but was purely territorial.

The villeins worked for the mirásidárs in rotation (*mu-*

[1] Tanjore *D M* pp 402–403.

[2] *Id* p. 406.

[3] Chingleput *D. M.* p. 213. The slaves belonged to three castes and nationalities, for (says the *Manual*) it seems certain that they are the representatives of the aborigines or first inhabitants of the country; and to this day the Pariahs have not been included in any caste. The Pariah (or Pareiyar) and the Pallars were generally in villenage to the Sudra (i. e. Vellálar) cultivators, and the Pallis, the third slave class, were the Brahmans slaves.

For a curious custom, involving a sham strike by way of asserting the privileges of the class, once a year see Chingleput *D. M.* pp. 213–4.

This system of slavery seems t have nothing in common with the domestic slaves (often illegitimate offspring of warriors of the superior class with low caste women) among th Rájputs described in Tod' *Rájasthan*, (Gold, Beal, and Dis, vol. i. pp. 156-7 3rd (Madras Edn.)

rei) They got a house and yard free, also certain dues in grain (kalavásam &c.), and presents in clothes, grain, and money at stated festivals. The slavery was therefore not a very hard bondage.

§ 13 *Results of the Inquiry in 1814 15.*

The existence of joint-villages was first made known in 1795-6 The Government was not at first inclined to admit the proprietary right. In 1796 we find the Government declaring that the first principle of both Hindu and Muham madan governments was, that the sovereign was lord of the soil[1] This no doubt had come, in comparatively late days, to be the case. The Muhammadans were conquerors, and as such might have claimed the soil and it was probably on the same ground that the later Hindu king doms (such as Vijayanagar) based their pretensions. The rulers of Central India and the Rájput States of the North Indian Himalaya make the same claim at the present day: but it is quite inconsistent with the earlier theory of the old Hindu system, as it is with Moslem law and as an argument against proprietary right in private hands at a date anterior to the modern claims of conquering princes, it is quite inadmissible[2]

When the Board issued its circular of inquiry in 1814 the result was not a great success but one series of really valuable papers were obtained, and those were by Mr Ellis, Collector of Madras in 1816 who went into the whole subject[3]

§ 14 *Landlord Rights not always admitted*

Some officers were, however much prejudiced against

[1] Chingleput *D.M* p 257 The Government went on to say that the occupants of land in India could establish no more right in respect of the soil than a tenant in an English estat could establish a right in the land, by hereditary residence.

[2] See remarks on this alleged State proprietary right in the general Introductory Chapter on Tenures, vol. i. pp. 230 and 239.

[3] Printed in the *Mirási Papers*, 1862. It should be remarked that, though the Court of Directors at one time threw some doubt on Mr Ellis Reports, as being only his opinion, the accuracy of his observation is practically placed beyond doubt (1) by its absolute concordance with what is observed in other parts of Madras, and (2) by a comparison with similar tenures in other parts of India.

mirási rights, and endeavoured to minimize their existence and afford some other explanation of them. For example Mr Harris, the Collector of Tanjore wrote (in 1804) a report on the subject he observed (what does not, however strike a modern observer as at all strange) that many of the mirásidárs (and especially the Brahman owners, who were numerous) did not work their lands themselves, but let them to tenants for this they took *as much as half* the produce This appears to have excited Mr Harris indignation[1] Nevertheless the report graciously admitted that the mirásidárs had some functions ; and it seems that these were supplying the labour and bearing the expenses of irrigation works they also bore other charges of the village system and (under the native Government) it was they on whom all exactions fell and under the Mahratta Government they were heavily oppressed. These functions may be considered to be a pretty good share of a landlord's duty However Mr Harris concluded, that the mirásidárs should be regarded as men *between farmers and landholders* who have raised themselves above the labour and expense of cultivation, who are too idle even to superintend it they are too avaricious to pay for its small works, but obstruct it by their contentions and policy[2] they are willing instruments to the public servants for the plunder of the Circar revenue, and *who, differently from the custom of every other country* even in India (!), consume nearly half the subsistence which should go to strengthen and support the most useful class of people[3]

[1] Half batái is quite a common rate everywhere for the landowner t take, where the rent is paid in kind, i.e on a sort of *metayer* system. The landlord pays the revenue and bears all the exactions ; so that the bargain is far from an unequal one.

[2] The obstruction appears to allude to the not unnatural desire of the owners at Settlement time to have the village as little in apparent prosperity and full cultivation as possible in order to secure low assessments. Such devices are common everywhere, and are not usually considered as derogating from the proprietary right of any one!

[3] Mr Harris views were, about the same time, modestly but very fairly, controverted by Colonel Blackburne, Resident at Tanjore. There were other writers who were hardly more just to the mirásidár than Mr. Harris. Colonel Macleod assumes (for example) that the mirásidár represents what was originally a temporary public employment (!). It is remarkable that even Sir T Munro wrote a minute, in 1824, which does not

§ 15 *Conclusions as to Mirási Rights.*

As a matter of fact, it appears that the ownership (for such it clearly was) of villages by mirásidárs or bodies of co-sharers claiming the entire area (village site cultivated area, and waste within the customary limits of the village), arose exactly as we find it in other parts of India. Naturally enough the colonizers banded together and divided the new villages into shares, either according to their ancestral connection or to their means in ploughs, number of followers, and cattle sometimes they held the land in common, exchanging the holdings periodically (to give each sharer his turn of good and bad land). Such a settlement, confirmed by the good will of the king (who granted special revenue-free portions in each village) and backed by the sentiment of ownership which arises from clearing the waste and founding the village, soon produced strongly felt rights of ownership. Some of the villages (as in Tanjore) must have arisen out of royal grants, either as revenue-leases to Vellálar families, to feudal chiefs, or to Brahmans. According as the grants are numerous or the efforts of the colonizers widespread and successful, so the jointly owned villages would appear occasionally only as scattered tenures in the midst of others or as forming the prevailing tenure of entire tracts of country

There is not one of the local terms (with which the reports bristle) that has not its exact counterpart in the joint-village tenures of Northern India. This fact forms a strong corroboration of the observations made.

§ 16 *Some similar Institutions.*

I have already remarked that even under the old Dravidian form of village, where there was no joint ownership of the whole, nevertheless the old settlers (bhúmhárs as they are called in Chutiyá Nágpur) had certain specially allotted lands and privileges, and these, being hereditary might readily have

exhibit his usual insight into facts. He there questions the Vellálar immigration of Chinglepat, and makes other more than questionable statements. No one now doubts the historical truth of the immigration. See Chinglepat D. M. p. &c.

been called by the popular term mirási, so that we must not be too easily led to suppose that real joint or landlord villages occurred wherever we find *merely* the use of such a term or terms[1]

This is the place to notice the Visábadi or sixteenth villages which, as MUNRO remarked, were largely found in Cuddapah[2]

The institution is noted also in the Godávari *D M*[3]

But it is supposed to have been promoted by the raiyats merely in order to protect themselves against the increasing demands of the Muhammadan governors. A fixed sum was assessed on the whole village, and a number of raiyats agreed to be responsible in fixed fractional shares (whence the *name*). *They exchanged holdings periodically so that* each might have his turn at the good and bad land. And the Manual notices a plan, which I have alluded to as practised in some of our own early Settlements, viz. that, if a man thought his holding over-assessed, and that of his neighbour under-assessed, he offered to exchange on paying for the latter an increased sum which he named. If the neighbour agreed that this was just, his holding was raised to the amount named and the objector obtained a reduction on *his* land. This system does not necessarily imply a landlord claim to an entire area.

[1] In Vizagapatam, for example, the *D M.* (p. 173) states that the villages were very similar to those in the Tamil country In the Telingana country the land is divided into waste and cultivated: there is the mániyám (or revenue-free land) the khandriká (subject to a quit rent), and the revenue-paying land. On mágáni (wet crop lands) a share of the crop (in kind, called 'kora') is taken for the revenue, and the rest is the médipálu (share of the plough handle'). On land cultivated with dry crops or on garden land, money revenue is usually assessed. The hereditary right seems vested in the ancestors of the Reddi, Nayádu, and other castes. Their title is believed to have originated in conquest and forcible colonization. The immigrants, more civilized and more powerful, partitioned the lands amongst distinct families or fraternities, who held the estates in common as proprietors.

All this is consistent with the Dravidian village organization, exactly such as I have described in Chutiyá Nágpur (Bengal), vol. i. p. 576). It does not necessarily indicate any form of the joint village.

[2] See Arbuthnot (Munro's Minute), vol. ii. p. 360.

[3] p. 314.

§ 17 *The decline of 'Mirási' Rights and their Practical Recognition at the present day*

If it is correct to say that these joint villages however *relatively* ancient and long established, were the result of special conquests, grants, and associations of leading castes in founding new villages, and were not the primeval or *always existing* form of landholding which the people of West, Central, and Southern India naturally developed or if—what comes to the same thing in the end—the genius of the people is not favourable to their continuance, either owing to mutual distrust and weakness, and inability to hold their own when Revenue systems are oppressive, or if there is a stronger desire for individual action and mutual irresponsibility then it is not difficult to account for their decay and disappearance on the one hand, or for their local survival among particular castes or under particular circumstances, on the other.

Even in Chingleput the rights have only survived to a very limited extent they formed rather as the *District Manual* says, the troublesome ghost of a former system.

Probably the desire for separation began the work then Muhammadan over-assessments destroyed the value of the proprietor's share then renting and revenue-farming displaced old proprietors by new occupants, and finally modern revenue systems completed the change. Rights that survive in the shape of troublesome and complicated grain-fees and perquisites, are resisted and ultimately disallowed rights in the waste, which have for many years been ignored by the Muhammadan system and by the later Hindu systems also are but partially acknowledged[1]

In 1834, in Chingleput, outsiders were allowed to take up lands lying idle though some kind of swatantram or fee was still paid to the mirásidárs. In 1859, mirási pattas were issued, that is to say each claimant was com

[1] See some good remarks in the North Arcot D. M. pp. 92-93, and Chingleput D. M. p. 300. The extracts in the Mirási papers volume exaggerate the effects of our own system in sweeping away old mirási rights and claims; they were already out of harmony with the more generally prevailing state of things.

pelled to say what lands composed his share and to keep to it. In 1863 the distinction between the mirási patta and the páikári patta was abolished. In 1870 special compensation for mirási right in land taken up for public purposes, ceased to be given.

In the Chingleput Settlement the mirási question was settled—

(1) by dividing out the arable land into shares proportioned to those known each mirásidár then became the raiyat *holding a patta for those lands*

(2) a certain area of waste was left permanently unassessed and allotted to the village for grazing wood-cutting &c.

(3) non mirási cultivators paid a swatantram, or as the books call it, a manorial fee to the mirásidárs, which came to two annas in the rupee on the assessment of the lands held by them. The mirásidár collected this fee himself—allowance being made to the raiyat in his assessment for it [1]

(4) certain privileges as to the waste are still maintained i. e. mirásidárs *and other resident raiyats* in a village have due notice when lands are relinquished or fall vacant, and they have a preferential claim to take them up before strangers first, the mirásidár then the resident cultivator; but applications for whole survey numbers are preferred to those that ask for only part—in any case. An appeal is allowed in case any one is dissatisfied with the order passed [2]

But see the case reported in I. L. R. II. Madras, p. 149 (1878). Full Bench on review of a case of 875.) It was held that there was no uniform rule that cultivators holding land in the area of the mirási estate were bound to pay dues t mirásidárs; it was a question of evidence, whether by custom such dues were payable. There has been no law d priving mirásidárs of any privileges they may have been customarily enjoying. Under the Regulations the intention of Government was declared to respect the privileges of landholders of all classes.

For details see Standing Order in Government Order No. 854, dated 30th August, 887 Those who are interested in seeing how maniyár or headman was appointed,

SECTION II.—THE RAIYATWÁRÍ TENURE OF THE PRESENT DAY

The *raiyatwárí* Settlement, as already stated assesses a revenue on each survey number or field for a term of years (thirty years as now fixed) and each occupant holds subject to his paying the assessment in force for the time being The area of a raiyat s holding may either remain constant or may be varied by relinquishment of his lands or by his taking up new land which has been relinquished by some one else, or is otherwise available—not being set aside for some special purpose [1]

It is sometimes said that the raiyat holds under an an nual lease from Government [2] Whether or not the raiyat

and how the rather complicated system of village *mirás* was done away with, may see it traced in the Tanjore *D M* p. 415, et seq.

[1] According to rules which prescribe the proper dates of applica tion, the form of application, and lay down certain conditions as to priority of right. These are known in Revenue official language as the Board's Darkhwást (Applicati n) Rules.

[2] So in Macleane, vol. I, *Revenue Settlement*, p. 104. With all due respect I submit that this is not correct, or can only be held under considerable limitations as t sense of the expression. I am not aware of any authority for supposing that the Collector could, at any jamabandi, terminate the tenant s holding for any cause whatever *except* failure to pay the revenue or the raiyat s own relinquishment or abandonment. That is clear from the case *Ed'jd Gopálá Ayyangar* versus *Collector of Chingleput* (7, Madras High Court Reports, 98). Nor do I think that the Full Bench ruling reported in Indian Law Reports, I Madras, 205, can be regarded as a final authority It was *strongly doubted* in case reported in I. L. R., V Madras, p. 165. Again, in a Chingleput case reported in I. L. R., VI Madras, p. 303, it is expressly ruled that a pattá issued by Government will (unless it is otherwise stipulated) be construed to enure as long as the raiyat pays the revenue assessed.

Moreover the ruling on the particular point in the Full Bench case in question, can be easily justified *per se* without resorting to the idea that a raiyat *who has not made* default could be ousted at the close of any year by the Collector as he could if he were a tenant from year to year

Government claims its revenue, and large powers to secure it; but as to any claim on the soil over and above that right and its logical consequences, the Government has neithe asserted one for itself, nor by legislation, conferred it on any one else. The raiyat title depends on his occupation, and in the absence of title in any one else (Government included) to disturb it.

It certainly was the intention of the founders of the Raiyatwárí system that the raiyat should *not* be looked on as a year-to-year tenant of a Government who was the real owner of the soil, and at liberty to eject him t the close of any year's lease. The intention was t make him, in virtue of his occupancy, as Munro wrote in 1807 'the complete owner of the soil, as long as he paid the State dues; he was to be at liberty t let his land to a tenant (without any limitation as to rent) or sell it as he pleases. On

can be called a tenant of Government (as in some limited or metaphorical sense, the universal landlord) it is certain that he is not in any sense a mere tenant from year to year He cannot be ousted as long as he pays the revenue assessed he can sell, mortgage, or gift, his holding or lease it and the transferee will become liable in his place for the revenue, and he will be (*pro tanto*) relieved[1] provided the transfer be duly reported to and registered by the proper Revenue Officer If he does not register the transfer he will remain liable for the revenue, though, at law the transfer may be, in other respects complete and good.

The raiyat deals directly with Government (without any middleman) and is solely responsible for his own revenue—not for that of his neighbours, unless, indeed, there is a joint and several pattá issued—as it may be for conveni ence[2] though the Madras system does not encourage joint pattás.

The *Manual of Administration* itself summarizes the raiyatwári tenure as that of a tenant of the State, enjoying a tenant-right which can be inherited, sold, or burdened for debt in precisely the same manner as a proprietary right, subject always to payment of the revenue, due to the State.

The student will do well to compare this with the defi nition[3] of the Bombay Survey tenure in Bombay Act V of 1879 secs. 3 (16), and 68 73 &c.

this subject I may be permitted to quote what was written to me by Mr R. Benson It is very necessary, he says, to draw attention t the real position of the raiyat. There is a constant tendency on the part of the Courts unde the influence of English landlord and tenant ideas, t look on the position of the raiyat as that of a tenant from year to year If the tendency is not checked, we may have a most serious Irish question on all lands other than those held direct from Government on raiyatwári tenure. Government, fortunately fully ad mits the position contended for in the note. The danger lies in the Zamindáris and other estates, the proprietors of which are ceaselessly t work t acquire the fuller powers of an English landlord.

[1] Of course not of any *arrears* due at the time.

[2] e. g. as where two joint widows succeed to a deceased raiyat, &c.

[3] Dr Maclean says this is not a definition but a description of the incidents of tenure. But that is all that any definition can be unless there is some bsolut standard, subsisting in the nature of things, to refer to. Proprietor-ship or ownership, in the Roman law for example, was a definite thing; it consisted of certain de-

The *Settlement Manual* (page 3) gives a quotation, the source of which is not stated, which presents a different view of the case. I submit that, looking at the subject in the light of the decisions of the Madras High Court, alluded to in a former note, the *Settlement Manual* description is preferable to Dr Macleane's the difference is perhaps more theoretical than practical but, to say that the raiyat is a tenant of the State, suggests (at any rate) the idea that he can be ejected at some time or other which he certainly cannot, so long as he pays the revenue as it may be periodically assessed or re-assessed. The *Settlement Manual* states —

Under the raiyatwári system every registered holder of land is recognized as its proprietor He is at liberty to sub-let his *property* or to *transfer* it by *gift, sale, or mortgage*. He cannot be ejected by Government so long as he pays the fixed assessment, and has the option of (annually) increasing or diminishing his holding or of entirely abandoning it.
The raiyat under this system is virtually a proprietor on a simple and perfect title, and has all the benefits of a perfect lease without its responsibilities, inasmuch as he can at any time throw up his lands.

In Madras, if a raiyat takes possession of a piece of vacant land, without making a formal application for it (darkhwást) according to rule nay more, if he cultivates a bit of pur ambok, which is assigned to some purpose and is not allowed to be cultivated, he is not punished or summarily ejected (as he would be under the Bombay law)—his *possession is recognized*, only in the case of *purambok*, he is practically compelled to give up, unless he can afford to pay the prohibitive assessment that may by rule, be laid on him.

SECTION III.—THE ZAMÍNDÁRÍ OR OTHER LANDLORD TENURE OVER ESTATES.

§ 1 *Classes of Landlords.*

We now turn to those districts in which, as the result of the orders for introducing the Permanent (Zamíndárí)

finite faculties and features. But that is not an universal rule. Proprietorship is exactly what the law and custom of different ages and different countries make it.

Settlement, a number of estate holders, either officially called Zamíndárs[1] or by other titles, were recognized as full proprietors of the entire estate—waste and cultivated.

Dr Macleane classifies the Zamíndárís as follows —

(1) Tenures earlier than 1802 (the date of the Zamíndárí Regulations No. XXV &c.) with a sanad or title-deed granted by Government showing proprietorship payment of a fixed and unalterable revenue (though liable to water rate and local cess) coupled with an obligation to give written pattás or leases to all tenants, and with the condition that the estate is *indivisible* and descends by primogeniture.

(2) Similar estates—whether ancient Zamíndárís or Pálaiyams, or more modern estates of the kind created under the law of 1802 but *without* any rule of indivisibility or primogeniture.

(3) A few estates of the Pálaiyam class, called the unsettled Pálaiyams, in which the holders did not come to terms with Government and so did not get grants or sanads. But their tenure is practically as secure, and their revenue, as permanently fixed, as the others.

I understand that in all the statistical returns where Zamíndárí estates are mentioned, this includes pálaiyams—the estates of poligars, and muṭṭhás (mootahs or mittas of some reports) i.e. proprietary estates created in 1802–5, where these have survived. But I do not understand the term to include inám estates, of whatever size, even when a reduced quit-rent has been fixed and where the inámdár owns the land as well as the revenue interest nor does it include land holdings at reduced revenue rates and others called hereafter freeholds (following Dr Macleane).

The title-deed held by every Zamíndár is called sanad

[1] I have no occasion here to describe the origin of Zamíndárs their history was just the same as in Bengal and has been fully discussed in vol. i. Local Rájás and chiefs of the Hindú rule were conciliated and adopted into the Moslem administration by recognition as Zamíndárs. Here and there a capitalist would obtain the same position.

i milkíyat-istimrár which is a Persian term meaning title-deed or grant of perpetual ownership. The holder signs a written counterpart or qabuliyat—his acceptance of the terms. In the case of the first class (as above enumerated) the estate is not alienable, or chargeable beyond the life of the holder nor is it divisible and it passes by succession to the eldest son[1]

In the case of other Zamíndárí estates, the property is freely transferable by sale gift, or mortgage—subject of course to ordinary law—Hindu, Muhammadan, or other relating to the transfer of property The Government has no concern with the order of succession and by subdivision, sale &c., many estates will be gradually dismembered.

When a parcel of land in a Zamíndárí has to be transferred the transfer must be registered before the Collector in order that the corresponding fraction of the peshkash or fixed revenue may be deducted and transferred to the name of the new holder[2]

§ 2. *Rights over Tenants.*

No law directly regulates the right of Zamíndárs over their tenants and if these have or claim to have, any mirási rights in waste, or otherwise to fixed tenure and so forth such claims must be proved on their own title and merits in a court of law[3]

Such re the Vizianagram (Vizagapatam), Pitapur (Godávari), Venkatagiri, (Nellore), Rámnád, and Si agangi (Madura) estates.

Regulation XXV of 802, section 8, and Regulation XXVI of 802.

Regulation XXV of 1802 purports to grant on behalf of the Government a permanent property in land for all time to come 1 and this property becomes vested in the landlords and in their heirs and lawful successors for ever (section). Qibúliyats are to be given section 5) and they (with the sanad) contain the conditions and articles of tenure, and so provide for the payment of the peshkash and recovery of arrears. No remission is allowed (section 6), and if the revenue is not paid, personal property first, and then the land, may be sold and transferred for ever (section 7). Nothing is said about saving the rights of raiyats or tenants, except so far as the grant of a pattá and receipt for rent paid (section 14). Section 15 imposes n the landlord the duty of apprehending offenders and giving notice of robbers, &c., taking refuge in the estate. Regulation IV of 1822 points out that the Regulations of 1802 are not intended t define, limit, infringe, or destroy actual rights of any description of landholders or tenants but leaves them (as stated) to the Courts of Justice.

§ 3. *The Poligars.*

Among the landlords of great estates we must reckon the chiefs called poligars. It was more convenient to speak of them when describing the Settlement arrangements, and therefore some account of the early history of Poligars has already been given (p. 18 ante). They have their parallel sometimes in the Zamíndár of Bengal, or better still, in the Ghátwál, a grantee who held land on condition of maintaining a police force to keep the hill country quiet, and the passes open. Such grantees soon assumed a proprietary position and had it not been that so many chiefs of this class chose to rebel and to resist the Settlement, they would have furnished a somewhat numerous addition to the list of landlord estates. As it is only a few of them were recognized: among these may be found a few great landowners. The principal Pálaiyam estates that escaped the troubles alluded to, were known as the western and southern polliams [Venkatagírí, Chitúr &c., in North Arcot and Nellore, and Rámnád and Sivagangá in Madura.] The larger estates differ in no way from sanad holding Zamíndárs and are in fact included as such in all statistical tables. Some of the polliams, however are still unsettled, that is, they never formally agreed to the Government offers[1] and so got no *sanads*. It does not appear that there is any practical difference between the two.

§ 4. *Local Illustrations of the Zamíndárí Estate.*

In the *District Manuals* relating to the principal (northern) districts, are a number of curious particulars about Zamíndárs, which will repay perusal. I can here only select a very few illustrations throwing light on the origin of the Zamíndár and the nature of his estate.

It is remarkable that the Muhammadan rulers—no doubt obliged by circumstances to interfere as little as possible with existing (Hindu) institutions—when they began administering the country in the sixteenth century

[1] Which were that they should pay the tribute they had been paying for fifty years past.

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[1] Which were, that they should pay the tribute they had been paying for fifty years past.

did not replace the old functionaries by officers of their own. They occupied forts and garrisoned cities, and here and there appointed a jágírdár to maintain troops and keep order but the headmen and accountants of villages remained and so did the Desmukhs and Despándyás, or collectors and accountants of circles. As these officers were permanent and hereditary it is not surprising that they were often recognized by the Muhammadan rulers and allowed to contract for their districts as Zamíndárs[1] In the natural course of events they grew to be proprietors. The position of all such landlords was recognized by law in 1802 but never to the extent of destroying either in theory or practice, the rights (whatever they naturally were) of the raiyats on the estate. This remark applies to the payín ghát or plain country In the hilly districts were chieftains of another sort who became Zamíndárs I will merely notice in succession some instances from each district.

KISTNA.—In the *District Manual*[2] I find a translation of a Zamíndárí sanad of old times, which may be quoted as showing what I have so often remarked, that, in appointing Zamíndárs, the Muhammadan Government had no idea of conferring a landlord property in the soil. The *appointment defined nothing*, and left the holder to get what he could, or what he was naturally entitled to, regarding him primarily as a Revenue-Collector with certain fees and privileges. The sanad runs —

> To the Ámils, &c. the Desmukhs, Despándyas, Chaudharis (note the Hindu titles) the principal persons and accountants of the Vinnakota pargana, in the Chármahál District, Sirkár of Mustafanagar Súba (province) of Haidarábád. It is now written that the fees (rasúm) land-revenue (mahál), sáír (customs, &c.), muhtarafa (a house and trade tax), sávarams (revenue assignment or allowance to Zamíndárs) are now confirmed and ratified as usual to Kandana, &c. and Surayya, &c. Zamíndárs of the above-named Chármahál. You are to give up to them the rasúm, mahál, &c., &c. so long as they continue attached to Government. They are to enjoy the

[1] Kistna, D. M. p. 343. [2] Id. p. 344.

benefit and perquisites thereof and to remain faithful to the Government interest this is to be strictly observed. (Dated 1st Sáwal 1172 H.=1759 A.D.)

When the Zamíndárs were confirmed by the British Government in 1802, the amount to be paid by each was calculated at two-thirds of half the gross produce of the lands this being supposed to be the share paid them by the cultivators. Thus, the landlord was to retain one-third of half, i.e. one-sixth of the gross produce for his maintenance. The amounts were obtained from an inspection of thirteen years accounts, or what the karnams produced as accounts.

The Havelí lands[1] in the Northern Districts were made into mutthás or parcels and sold just as in the Jágír and the purchasers became landlords. Most of them, however subsequently failed (see p 17 ante).

The Zamíndárs assumed the position of petty princes and kept many elephants and show horses. The Collector of GANTÚR mentions that the Zamíndárs there spent on their sawári (retinue, horses, elephants, &c.) a sum which could maintain eleven battalions of Company's sepoys. Some were energetic, but others managed badly failure was also due to the constant disputed successions and tedious litigation in almost every family Sir T Munro in 1822 mentioned that the Gantúr Zamíndárs were all of modern date, and of a character entirely different from those of Ganjam and Vizagapatam: they may be regarded rather as a higher class of raiyats than as military chiefs.

In the GODÁVARÍ district we again find, that though the Zamíndárs had, in the later days of lax administration, usurped independence, so that not only the forms, but even the remembrance of civil authority seemed to be wholly lost, still they were only agents of the Muhammadan rulers and though descended from ancient Hindu princes who had once ruled, they were removeable at pleasure and were frequently punished by dismissal, for acts of disobedience. Some of them resided in the hills

[1] Havelí = palace. I may repeat that there were lands not given over to Zamíndárís, but managed direct for the benefit of the Emperor the Nawáb or the Governor, as the case might be.

which were very inaccessible the climate being unhealthy and their residences were often guarded by dense jungle. The Zamindár usually resided in a mud fort in which his palace was situated. Whenever he went out he was accompanied by a retinue of "peons" bearing matchlocks and pikes. He was generally borne in a richly embroidered palanquin with a curved pole, in front ornamented with a silver figure-head of the sacred swan, or of some grotesque deity or he rode on the *howdah* (*hauda*) of a gorgeously caparisoned elephant. Men went before him shouting aloud his titles, as he passed through a village, or drew near the house where he was about to visit[1]

The history of the Godávari Zamíndárís begins with stories of revolt and disturbance, with revenue difficulties excessive arrears of revenue, and attempts to settle matters properly When the Permanent Settlement came on, there were thirteen ancient Zamíndárís and some estates which had been allowed to fall under direct management of the Collectors. The Settlement resulted in establishing fifteen regular Zamíndárís, and some twenty-six proprietary estates, i.e. mutthás and similarly created holdings[2] The Permanent Settlement, however worked very badly and a Special Commission was appointed to inquire. A terrible cyclone and recurring famines had been among the causes of failure, but the administration was also defective. The Zamíndárs left everything to their agents and *their* only object was to keep the Zamíndár in ignorance, and extort as much for themselves as possible. The consequence was universal failure of the estates and heavy arrears of revenue. This the Board of Revenue deplored in the double interest of the Zamindár and the raiyat, and desired to abolish the Permanent Settlement (as the estates got into arrears and were therefore liable to be sold) and to substitute village leases[3] Deserving Zamíndárs of real

[1] Godávari, D. M. pp. 245-6.

[2] Id. p. 280, where there is a list

[3] Id. pp. 294-5. It would seem that there was no law in the Madras Presidency which made it necessary on sale of a Zamíndárí for arrears, to give the purchaser also a Permanent Settlement. In Madras, there are a number of land lord estates, especially the arti

position were however leniently dealt with. The result has been that, while a few estates have been retained as proprietary estates, a considerable portion of the district ceased to be Zamíndárí, and went through the experimental stage of village-leases till it settled down under the modern raiyatwárí system. Nineteen ancient Zamíndárí estates and thirty-one proprietary estates now remain, the rest having become raiyatwárí.

In VIZAGAPATAM and GANJAM we hear once more of the hill chiefs —

In GANJAM there are a number of hill tracts called Máliahs: they are now Scheduled districts, and were removed from the ordinary jurisdiction as far back as 1839 (Act XXIV). The Zamíndárs are here hill chiefs deriving their estates from the Gajapati kings of Orissa[1] who granted the lands on condition of feudal service and keeping the wild tribes of the hills in order.

It will be observed that a number of the Zamíndárís are here themselves, subdivided into muṭṭhás, either for the convenience of revenue management or as representing the shares or jurisdictions of subordinate chiefs, called bissoye (bísáí).

VIZAGAPATAM is a district with much hill country: in fact, the line of Eastern Gháts passes through it. In the hill country there are Zamíndárís (including the Jaipur Ráj) and in the plains the great estate of Vizianágram, and the havelí lands. The Zamíndár of Vizianágram at first made the other Zamíndárís feudatory to himself and also absorbed the havelí lands in the district[2]. The Government, however did not confirm this high-handed procedure. When the Permanent Settlement was made, sixteen ancient Zamíndárís were separately recognized, and the havelí lands were made into some twenty-six proprietary estates and put up to sale. The parcels were nearly all of

ficial ones, ceased to exist, and the lands became raiyatwárí, and subject to the ordinary (Temporary) Settlement. In Bengal this was not the law. Though great numbers of Zamíndárís were sold for arrears, they did not cease to be permanently settled estates. Only in case no one bought them they were held by Government as khás maháls.

[1] D. M. p. 14 et seq.

[2] D. M. p. 5.

them purchased by Vizianágram [1] Jeypore [2] (Jaipur) as still shown on the maps nearly all belongs to Vizianágram which is a great Ráj of 3000 square miles, and the landlord has the title of Mahárájá. Jaipur as a separate estate pays only R. 16 000 *peshkash*.

In concluding this notice of Zamíndárí estates, I may append an abstract of the table of Zamíndárís which shows where they principally lie. It will be noticed that the great estates are either in the north, or in the west and south, where they are properly called pálaiyams. In other districts, as well as those named, there are proprietary estates which are either mutthás or other small land lord estates, sold in 1802–1805. A large number pay not more than R. 500 a year and very many less than R. 100. The districts in *italics* have no such estates and the figures refer to the permanent revenue assessment or peshkash as it is called —

1 *Anantpúr*	None.
2. Arcot, North	13 estates (2 over a lakh and 3 over R 10,000.)
3 Arcot, South	Only 4 small estates.
4. *Bellary*	None
5. *Circars, South*	None.
6. *Cuddapah*	None.
7 Chingleput	206 small proprietary estates; 29 are between R. 000—3000 and 177 under R. 1000 each.
8. Coimbatore	15 estates.
9. Ganjam	Ancient Zamíndárís 18. Proprietary estates mostly small, 48.
10 Godávarí	Ancient 19. Proprietary estates, 81
11. Karnúl	One estate.
12. Kistná	0 fair-sized estates (one pays R. 80,000) 30 small.
13 *Malabar*	None (not counting the Rájá of Cannanore's estate).
14. Madras	4 small estates.
15. Madura	2 great estates (pálaiyams) and 2 others.
16. Nellore	large estate and 2 others.
17 *Nilgiris*	None.
18. Salem	151 estates (small), only two over R. 10,000.
19. Tanjore	3 estates.
20. Tinnevelly	65 estates (2 pálaiyams over half a lakh each).
21. Trichinopoly	6 estates (one over R. 20,000).
22. Vizagapatam	Ancient [2] 14. Proprietary estates 37

[1] *D.M.* p. 227.

[2] Sandúr, attached to this district, is a small independent State, not a Zamíndárí.

SECTION IV —TENURES DEPENDING ON REVENUE-GRANT

Lands may be the subject of grant by the State either by giving the land and remitting the revenue (or part of the revenue) or by allowing the landholder to redeem the revenue by a lump-payment. Some grants do not affect the right in land but merely assign the revenue here we are speaking of cases where the land is held as well as the revenue grant and in such cases as Government has no further concern with the land, or is only concerned to the extent of its fixed quit-rent, the tenure is considered fully proprietary It is the custom in Madras to speak of some of these tenures as freehold.

(A) Under the head of Perpetual Freeholds are described the tenures of modern date which result from permission to redeem the land revenue by a payment of twenty five times the assessment or quit rent as the case may be

This is allowed in the case—

(1) of lands occupied for building purposes or gardens or plantations

(2) of the Nilgiri Palni and Shevaráí hills for plantations, &c., and in the Wainád for coffee cultivation

(3) of inám lands enfranchised on settlement of a quit-rent, which is then compounded for by a payment of twenty times the quit rent.

The free holder on paying the redemption money and the cost of survey and demarcation is given a title-deed.

The free hold gives immunity from land revenue charges but not from separate cesses or taxes nor does it affect in any way sub-tenures or rights of occupancy where such subsist on the land.

(B) Ináms that are enfranchised (but unredeemed) are practically private properties transferable, heritable, and for ever exempted from fresh revision of land revenue by the fixity of the quit-rent. They may therefore (in a sense) be said to resemble freeholds.

(C) Lands held on cowle (qaul) These agreements are

not now much used by Government, but are by Zamíndárs they represent cases of leases whereby a person undertakes to reclaim waste, either at no assessment at all for the first year or years or at favourable and gradually progressive rates, till the full rate being reached, the land becomes ordinary raiyatwárí or other as the case may be. Why these should be distinguished as tenures I am at a loss to imagine.

§ 1 *Inám Tenures*

Inám holdings have, to some extent, been described in the Section headed The Inám Commission (p 78 ante).

In this place it is necessary to notice that the inám grant *per se* is a grant of *land* to be held revenue-free and it is an accident of subsequent occurrence, that an inám is often charged with a part payment of revenue or favourable assessment. Where it was entirely revenue-free it was a sarvamániyam. Where some revenue is paid to the State Treasury by the inám holder it is called a jodi or quit-rent tenure. Only in the case of grants to Brahmans, called srotriyam, I understand that the land was not necessarily held by the grantee. Such grants in fact are assignments of revenue[1] and whether the *land* was un occupied, and was acquired with the grant, is a question of fact in each case.

The Inám Commission, for convenience, dealt with shrotriyams, but only settled the revenue question, i. e. the title to the revenue, and the conditions of tenure rights in the land were left (in case of dispute) to the Civil Courts.

An inám holding may be of a field only—or a village, or a tract of several villages. Where the inám has been enfranchised there is, as above stated, a perfect title to the whole, freed of all conditions except the payment of the quit-rent. All irregularities in the title, liabilities to re sumption, and demands for service, are cured and removed. Where the conditions offered were not accepted,

[1] Agrahárams were proprietary grants given to a community of Brahmans who might be of different sects (see pp. 80, 9, ante). Śrotriyams are given to particular Brahman families; the term properly implies a grant to persons who read the Vedas (Śruti).

the inám remained, at any rate in theory, liable to the original restrictions and condition of the tenure, i.e. there was no power of alienation, and there was the liability to resumption, in some cases after expiry of a given number of lives, or on failure of heirs male in the direct line. Government could moreover resume for failure to perform the service-condition,[1] of which failure Government was the sole judge.

SECTION V.—TENURES ON WASTE LANDS.

Inside every village area, as already stated, there is some unassessed waste reserved for certain purposes, as sites of house and yard, channels, roads, burial-ground, tank or well, cattle-stand, or threshing floors. There may also be waste reserved as grazing ground for village use. Besides this, there may be culturable waste numbers assessed but not yet assigned or occupied. Where these are only limited areas, they are usually let out for grazing till wanted, and if applied for are assigned as ordinary 'pattá' lands, or given out on a reclaiming 'cowle' for a term; or permission may be given to form a 'topo' (tóp) or village plantation. Theoretically and as far as rules go, available waste *inside* villages may be sold[2] in ten-acre blocks, not subject to land revenue but only to local cesses and taxes. Practically the sale of waste lands is only carried out in places where there are still areas available *outside* the limits of surveyed villages, and this happens chiefly in places like the Nílgiri and Shevaráí hills, or in the Wainád. For these latter there are special rules under which no upset price (except cost of demarcation) is demanded, but an annual assessment is fixed which may be redeemed at twenty-five years' purchase.

[1] Where the inám was for services which were under present circumstances, such as could not be utilized, enfranchisement was made compulsory.

[2] By auction to the highest bidder, above an upset price fixed by rule (see Maclean, vol. i. Tenures, p. 106).

§ 2 *Distribution of Estates of different Classes.*

In conclusion, the following table will give some idea of the distribution of the different classes of landed estates in Madras —

Nature of Holdings.		Number of Estates	Number of Villages.	Gross area in acres.	Average assessment of each.	Average size of each estate in acres.
					R.	
1. Great Zamindáris (paying more than R. 50,000).	Indivisible, i.e. (subject to primogeniture)	15	9621	6,067 834	1,84,185	404,522
	Ordinary	1	269	116,100	59,909	116,100
2. Large Zamindáris (paying more than R. 5000)	Indivisible	53	6497	8,157,848	15,026	41, 73
	Ordinary	67	1343	926,664	10,649	18,831
3. Small Zamindáris, mutthás, &c.		678	8111	2,563,484	1099	3781
4. Joint-proprietary bodies paying in common.		1081	77	22,842	61	1
5. Estates under Government management rented.		450	1158	199,6 0	649	443
6 Raiyats paying more than R 100.		43,067	,027	2,903,546	195	67
7 Raiyats and all small estates paying less than R. 00.		2,49 30	25,651	16, 81 13	10	7
8 Inám-holders	In perpetuity	404,600	30,526	7 981,555	9	9
	For life	795	929	30,849	10	17
9 Estate-holders who have redeemed the land-revenue.		519	139	4759		9
10 Purchasers of waste-lands		648	152	28,477	4	44

Section VI.—Tenancies and Under Tenancies.

As might be expected under a raiyatwárí system, where tenants are employed, they are mostly tenants-at-will and the *District Manuals* contain no instances of the perplexing under tenures, grades of tenant-right, or superior and inferior landlord rights, which we meet with in other provinces.

The system of tenancy, says Dr Macleane, under (raiyatwárí) landholders, is fully developed, registered raiyats sub-letting their lands and living on the difference.

In the districts on the East Coast, lands are rented out by the landholders and others, for a fixed annual payment in

money or as *metayers* for a share in the produce which is generally half. Ordinarily dry and garden lands are rented for money and irrigated lands for a share in the produce.

Except in large Zamindárí where rights have grown up from long possession private tenants as a rule are tenants-at will and the leases from year to year. Legislation, Dr Macleane adds is contemplated with a view to define and protect the rights of tenants under Zamindárs poligars shrotriyamdárs inámdárs, and others who are landlord and whose tenants are held entitled to the same protection that raiyats have under Government. The basis of the proposed legislation is to throw on the landlord the onus of proving a right to evict or enhance[1]

SECTION VII.—SOUTH CANARA

Though South Canara (Kánara or more properly Kán na ḍa), and Malabár are in some respects similar and by their local and climatic conditions were likely to develop similar land tenures, the historical circumstances in which they have been placed, coupled with certain differences of population and government, have led to their being different in the end. They must, therefore, be separately dealt with.

But both are extremely instructive in relation to other parts of India, because they furnish us with new examples of how land tenures are modified under the moulding force of local peculiarities of the country and of the races who inhabit it, as well as of the ordinances made by successive Governments.

South Canara represents the southern section of the country which was made a separate district under the Madras Government while North Canara became a Bombay district in 1862, and was settled under that Government not very long ago[2]

[1] Macleane, vol. I (Inám), p. 127 In Zamindárí estates, naturally the actual land occupants (who would be Government villages be the registered occupants and practical proprietors), are in name tenants, because the Zamindár is legally the landlord. But they may have the advantage of fixed tenure, and even fixed rent, if they can prove it (in case of dispute) in a Court of law

[2] On first annexation, the whole of Kanara was attached to the

Of South Canara we have not yet complete information. There is no Settlement there is no *District Manual.* Nevertheless, Munro's minutes, Dr Macleane's notes, and other sources of information, are available.

The reports repeat again and again that in these two countries *private property* in land existed where it did not elsewhere.

In one sense this is perhaps true but I fail to see that the wargdár of Canara is really more *owner* than the now barely surviving miráśidárs in the Tamil country and other parts, once were. In both countries what attracts attention is that the *owner* or *landlord* class is essentially a caste that has *conquered* or *colonised* the country It is a class, like this—starting with the advantages of comparatively high caste or birth, and with the natural superiority of strength and character which brought them successfully through their struggle with the aboriginal inhabitants, or with the natural difficulties of the jungle,—that always appears most vigorously claiming the *land as an inheritance.* It is the castes or clans of this description, who in Rájputána, in the Panjáb, and elsewhere, exhibit the passionate attachment to their ancestral acres that is everywhere noticed in histories and *Settlement Reports.* The Rájput with his bhúm, the Central Indian hereditary officer with his watan, and Panjáb Jat with his ancestral acres are the counterpart of the West Coast múlawargdár or the Malabár janmí *as he has* now become they are, and always were, every whit as much entitled to be called proprietors ; private property in land is no more peculiar to Canara or Malabár than it is to any of the places named.

It may be concluded that, originally there was an organization under which certain leading castes and classes shared the interest in the land very much as can be historically traced in Malabár But inasmuch as a suc-

Bombay Presidency but as early as 1800 (vide the *Fifth Report*) the whole was transferred to Madras. It was afterwards divided as stated in the text.

cession of Hindu (or rather Hinduized) princes reigned over the land for some centuries past, the fact tended as it always does under the primitive forms of Dravidian-Hindu monarchy to exalt the military or governing organization at the expense of the humbler cultivator Náyaks and other colonists of the military castes who obtain the petty chiefships by conquest, satisfy the lesser members of their own order with special holdings of land while other castes viz. the cultivators (who under the earlier order of things had equally a right in the soil which their ancestors had reclaimed from the jungle), are put down into the place of tenants, even though they may be to some extent privileged. It is not that *some* castes or races do not assimilate the idea of a right of property in land and that *others* do —it is not that the Telugu people or the Central Indian Gonds or the Bengal raiyats had (naturally) *no* idea of property in land and claimed none while the conquerors who now people Canara and Malabár had the smallest insight below the surface will show that a sense of ownership was equally strong in all. But, with pride of origin, strength, and success in conquest or occupation, the idea of property is developed and realized on a new basis. Inheritance becomes the leading principle of the conqueror's right, as first clearing was of the older right. Moreover though originally the conquering caste took the position of rulers, or at least, the official charge of districts, yet it constantly happens that when, under dynastic changes, the states break up, the descendants of the old rulers are able to preserve some relics of their former position, as the virtual landlords of fragments of their original dominion. This we shall see clearly exemplified in Malabár; and it is no less noticeable in Oudh, and indeed, wherever ruling families have become broken up or divided. The territorial rule disappears, and a landlord claim takes its place. The humbler classes, on the other hand, never having held a ruling position, must submit to such terms as the power of the new State imposes If from attachment to their home, they bear hardship

rather than abandon the land, ancestral landholding becomes a burden rather than a privilege. And then it is we hear said There is no private property in land in these districts the Rájá claims to be owner of every acre in his dominions, and the raiyats are mere tenants, and so forth. It is good fortune and bad fortune, high caste and low caste (i. e. belonging to a military or ruling race, or to a humbler cultivating tribe), that have made the difference, as regards property in land between the Telugu raiyat and the West Coast proprietor and nothing whatever in the nature of things, or in the real sentiment of the people as regards right.

Canara owes much to its peculiar conformation. With the exception of one local division or mágané (Hannár), which is situated on the plateau the whole district lies along the coast, between the sea and the lofty ghâts clothed with evergreen forest. This country is undulating composed of laterite ridges intersected by the deep-soiled valleys of the streams coming down from the hills, and by estuaries running in from the sea cultivation is here very rich[1] Beyond this, there are valleys running farther into the hills, and a tract of table-land above, on which some kinds of grain (but not wheat) as well as rice and sugar cane, can be grown. Above, rise the main slopes of the ghâts with dense evergreen forest on the ridges. On the other side of this barrier is the hilly country of the bálághát, which gradually becomes drier and more barren as it falls to the general level of the Dakhan.

The early history of Canara is not easily traced It is really only the northern portion of the country and that above the ghât, which is Kánnada, where Canarese is spoken. The payin-ghât' is properly Tuluva and the southern portion assimilates with Malabár where Malayálam is spoken. It seems to have been occupied anciently both by Brahmans, and by a military caste called Nadavar in the

[1] Land is known as ball when irrigated or yielding three crops. majal is irrigated land yielding two crops; bettu is land dependent on th abundant rainfall only and yielding one crop.

north and Bunt in the south. The latter correspond with the Náyar caste in Malabár though without any connection that I am aware of —for the Náyars are very exclusive and lose caste should they go to reside further north than the Chandragiri river in the south of South Canara. Colonists of this class, having reduced the aboriginal population to serfdom claimed for themselves the property in the soil and divided the land according to their relative place in the organization which they contrived. But the country was not favourable to the aggregation of cultivation in the form of villages; this was partly owing to the hilly nature of the country and partly owing to the paucity of plough-cattle. Separate plots, therefore are occupied and the houses are scattered about upon them. A man's (or rather a family) holding may consist of a number of such plots; and when, in later days, a central rule was organized and lands were recorded in State Registers, as many plots as appeared on one leaf (or *warg*) of the accounts[1] being held by the same family formed a sort of unit-group, and each holding got to be spoken of as a 'warg,' the holder was called in revenue language the wargdár or mulawargdár (original or hereditary holder). For administrative purposes, a number of hamlets or holdings were further united under one local accountant and called tarf or mágané. A similar aggregation was also effected (for Government purposes) in Malabár where it constitutes the modern Ámsham. In either case it was probably suggested by or is connected with the earlier Drávidian grouping which had relation to tribal sections or clan groups.

South Canara, in fact (along with Malabár) gives us one of the interesting cases where villages, as we understand the term in India, did not exist. Instead, separate plots are broken up (or perhaps were once tribally allotted) for cultivation, and the family house is placed on one of the plots. There is no aggregation of residences in one place walled or unwalled, no staff of village servants and artisans

[1] This is the Sanskrit Varga, or possibly the Arabic Warq = leaf.

and no headman, because the father of each family is his own headman for common affairs these heads met together in council. In this we recognize the old Dravidian plan (also followed among the Kolarian tribes) whereby the villages or as on the West Coast, the family plots, were aggregated into unions (the parhá of the Chutiyá Nágpur States), and managed by councils. The Kolarians had no government above this the Dravidians, as we know adopted a central government in addition. It is thus possible that the aggregation of the family holdings into the uru or gráma now known, and the further grouping into mágané may really originate in old Dravidian customs. But the appointment of a village headman and of the accountant, are certainly later institutions, as indicated by the foreign titles and non-hereditary character of the offices. I am informed that the original term for the family aggregate of dwellings,—consisting of the houses occupied by the members with a few humbler abodes for servants and artizans —is tara, a word meaning street or hamlet[1]

But to return to the history of Canara. The Pándyan dynasty held the overlordship for a time, but as far back as 1336 A.D., the Vijayanagar kings obtained the rule Their empire lasted till beyond the m[illegible] the sixteenth century when the Bednúr kings too[illegible] coun-try and the Ikkeri Rájás held Tuluva[illegible]

In 1763 Haidar Alí overran Can[illegible] became British in 1799[2] In th[illegible] disturban[illegible] ed the Mysore conquest o[illegible] 63, and [illegible] the British, the country wa[illegible] by [illegible] various local chiefs [illegible] Munro[3] The local [illegible] suff[illegible] and were reduced in [illegible] to [illegible] labourers. The Vijaya[illegible] in [illegible] appear to have been mod[illegible]

[1] Compare the Tamil teru [illegible] Telugu teruvu It is said t[illegible] there was an archaic Canar[illegible] word terava, now disused.

asserted with every probability of truth when we find that a regular revenue-settlement was made. At first the simple rule was that whatever quantity of rice it took to sow a field a similar quantity of the outturn was the State share. The revenue of one 'katti' of land (i.e. an area which one katti would sow) was one katti. But in the fourteenth century (between 1334–1347) Harihar Ráyá, Rájá of Vijayanagar had made a Settlement upon principles laid down in the Shástra, which supposed the produce of land to be, in proportion to the seed used for sowing as 12 : 1. Taking therefore a customary area of land which required two-and-a-half kattis to sow the yield would be thirty kattis[1] of paddy (unhusked rice) the division was made thus —

To labour and cultivation	15
To the land-owner	7½
To the State	7½
	30

And as a pious king would give part of his revenue to the support of temples (devasthána) and part to Brahmans, the 7½ katti share of the State was taken, 5 by the king and 2½ to these pious uses.

The register of this Settlement is spoken of as the Bíjwár or register of land according to the seed (bíj) required to sow it. This ancient assessment, says Munro, is still written not only in the general accounts of districts[2] but in those of every individual landholder. All subsequent additions were regarded as oppressive exactions. The original assessment with certain rates on cocoa-nut and fruit trees (added up to 1660 A.D.) was called the 'rekhá' or standard assessment.

The karnams (locally called shánabhogam) not only wrote up registers of the public revenue but noted all tran-

[1] The katti w[illegible] 3200 rupees [illegible] weight. [illegible]

[2] By districts [illegible] Munro [illegible] mean [illegible] [illegible] But [illegible] those [illegible] [illegible] the [illegible] [illegible] North Canara.

of land, and made copies of their books. Though many were destroyed in the Mysore troubles, enough were believed to remain in Munro's time, to furnish a complete abstract of the land rent (revenue) during a period of more than four hundred years.

The assessment was, of course, largely increased both by the Bednúr and the subsequent Mysore Governments. The money rate was called shist, and the increments the shámil. When the district came under British Settlement, Munro did not propose, at first, to reduce the assessments very much below the Mysore standard [1] But this would not work. In 1819 a revision was made, resulting in what is known as the tharáo assessment [2] It was also called sarásari or average because the assessment was based upon the average collections of the years since British occupation. This was, on the whole, a considerable reduction on the shist and shámil, though it is not meant that there was a reduction in each individual assessment.

There have been, however further reductions necessary which are arranged in a series of remissions, pending a Settlement. Most of the estates, in the now prosperous state of the district, are bhartí, i. e. pay the full tharáo assessment a few are kam-bhartí or reduced. The reduction of assessments in special cases, was arranged for in various ways. Holdings that required what we should now call a progressive assessment were called vaida (or wayada = promising) [3] They paid by increasing rates till they became bhartí, i. e. attained the full assessment. Vaida pattás are still sometimes given for waste land. Other reduced holdings are known as board-sifárish (favoured by the Board of Revenue), i. e. estates disadvantageously situated, which cannot be expected to pay in full and tankí estates which are uncertain and are settled annually

[1] Arbuthnot, vol. i. p. 65.

[2] Called Tarow or Tharow Wilson gives it as Hindí and Maráthí word meaning fixing or determining.

[3] Macleane, vol. i. (*Land Revenue Collection*), p. 196.

§ 1 *Forms of Tenure.*

The múlawargdárs, recognized as landlords of the holdings, have tenants of two classes. The first, whose position appears to be exactly that of cultivators who were originally owners (or in a practically similar position), have now become mulgéní tenants. They have a perpetual and indefeasible right to occupy the land, so long as they pay the rent, which is sometimes nominal. In the case of this tenure we find instances of the tenant paying a year's rent in advance and deducting a proportion of the produce, as interest on the advance which is something like what happens under the kánam tenure of Malabár. The second class is the *chaligéní* or tenant at will: apparently the tenure does not differ from that of the paikásht of Upper India or the parakudi of the Tamil country. It may be added that the warg or holding has a portion of waste attached to it and cultivation in this waste is not subject to an increased assessment as it would be in a formally surveyed raiyatwárí tenure.[1]

Section VIII.—Malabár.

The district of Malabár will always have singular attractions for the student of Indian land tenures; it pre

[1] It was supposed at one time that because [illegible] lawargdárs had acquired proprietary right [illegible] the wargs, therefore every part of the forest land must be included in some warg or group of wargs and belong to some one; and that the State could not [illegible] reserve certain areas of land [illegible] State forest for the public benefit [illegible] other provinces, however, where there is [illegible] large [illegible] of the [illegible] holdings [illegible] of what [illegible] needed in [illegible] the [illegible] timber, woodcutting, gathering of leaves for manure [illegible] the reason for an unlimited [illegible] the surplus [illegible] taken into management. There is nothing in the [illegible] of the [illegible] law refuses to give them any claim different to that of other landlords. The [illegible] who desires to pursue the subject may refer to the judgment in the (Kanara Forest) case (I. L. Reports, III Bombay Series, pp. 452-785). The case related to North Canara; but there [illegible] of information [illegible] The question was [illegible] cated by the fact that [illegible] cultivation, called kumri, was practised, and that the rules of the custom recognised a certain right [illegible] the forest itself. The rest [illegible] [illegible] decision.

sents an unique history of landholding customs, the result of a colonization by separate tribes, each with its own rival interests, and the absence at first, of a central government. The peculiarities of development which afterwards followed, are to be traced, partly to the physical features of the country but chiefly to the characteristics of the tribes, and the peculiar circumstances of their government. It further presents to us a curious modern process of landlord development, in which local and historical conditions no doubt had their part, but which was still more due to the influence of European ideas embodied in western terms,—ideas which unfortunately according to the lights of those days, were accepted as the only ones applicable to the facts.

§ 1 *Features of the Country*

A large part of the cultivation consists of rice in valleys between wooded hills. Orchards also abound and form a definite class of lands for revenue-assessment. Cardamom cultivation is practised only in clearings in the dense forest. Pepper is also largely grown. As might be expected, forest-clearing for temporary cultivation (Kumerí or Kumrí in Canara) is common and in these clearings, *punam* or jungle-rice is the chief product. On the bare uplands where there is no forest, miscellaneous cultivation (as the Reports class it) is sometimes undertaken, and consists of *modan* or hill rice and *ellu* or til seed (*Sesamum*).

Malabár is, at the time I am writing, under Settlement and survey It has had a singularly unfortunate history as regards its revenue-administration but in the end the assessments, which at first were badly arranged and without system, became easy under the influence of a gradual rise in prices and general prosperity aided by the bounty of a naturally fertile and abundantly watered soil, and the profits of pepper, cardamoms, and cassia.

The difficulty of dealing with Malabár tenures consists in this that for a long time the subject was never studied in the light of actual facts, and with the aid of ancient

deeds (which exist) and a proper reference to ancient traditions, a skilful use of which might have detached valuable elements from the mass of mythical dross in which they are enclosed. If we look to the early Reports[1] we shall find them dealing with the tenures in a singular method, or perhaps I should rather say in a method, congenial to writers of that time, when the early history of institutions and the methods of investigating them—which are the products of the most recent times—were unknown, and when everything was looked at from an English law or lord-of-the-manor point of view

When Malabár first came under observation, the facts were these. At a comparatively recent period the Mysore Sultán had conquered the country dispersing the chiefs of the military or Náyar caste, who had formerly held the country as rulers over separate estates or territories. Some of these had since returned, and still retained, in a few places, a rule ship over territorial estates. But in most instances the principle we have so often noticed came into operation. The rule was lost, but the chief families clung to the land, or part of it, as landlords. A number of Brahman and Náyar caste-men were found in possession of tracts of country calling themselves janmís, and claiming to be, in fact, absolute landlords. Under them were found *humbler landholders of the same caste, but apparently only* privileged tenants : they acknowledged the janmí as in some sense their superior but in many if not in most cases, they had made money advances to their lords, and

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so were not paying any rent, or only a very reduced rent, because the interest on the money covered the whole or part of the rent- or grain-share.

It is quite certain from the historical evidence, that this proprietary claim on the part of the Náyars was a comparatively recent matter Nevertheless, if we turn to the Reports printed in the Appendix No. 23 to the second (Madras) volume of the *Fifth Report* we shall see it taken for granted, without the smallest question, that almost the whole of the land in Malabár, cultivated and uncultivated, is private property and held by "jemnum (janmam) right, which conveys full absolute property in the soil. We find the land occupied by a set of men who have had possession time out of mind. The only attempt to argue this question is based on the further assertion that We found that they (the janmís) have enjoyed a landlord's rent, that they have pledged it for large sums, which they borrowed on the security of the land, and that it has been taken as good security so that at this day a very large sum is due to creditors to whom the land is mortgaged. Had the creditors ever doubted the validity of the jemnum (janmam) title *or imagined that Government would have called* it in question, it is not probable that they would have risked their money on so precarious a security

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It is very important to notice that the use of the term janman (or janmí for the holder) is quite modern. It cannot be traced back before the end of the sixteenth century when Muhammadan institutions were already well known in Southern India [1] The adoption of a Sanskrit word by Dravidians is quite natural and it is, of course, *possible* that when, at a later period, the Náyars seized upon lands as landlords they may have desired to use a term implying birthright or inheritance—in which case they would have been following the universal custom of military and conquering landowners, who, as we have seen, always speak of their rights, not as by *conquest* or *seizure* but as their birthright —bápotá, mírás, wirsa, wárisí, &c. But, on the other hand, janmam in Sanskrit does not mean birthright, but only birth and janmí (for the *person*) is a term of no language at all. Mr Thompson has suggested, and to my mind with great probability that really they only corrupted the common land term of the Muhammadans—zamín (as in zamíndár) In a Hindí dialect this would become jamín, and the janmí may be merely the same as zamíndár = landholder It is certainly curious

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[1] See Mr A. B. Thompson's paper in the *Malabár Law Reports*, vol. I. (1887), p. 6a.

that the term should not have been in use before a period at which the conversion of the old Hindú chiefs, under Muhammadan rule, into *Zamíndárs* had become familiar in the country In Coorg, the military class now claim the land in exactly the same way calling their tenures by the term jamma, which is (linguistically) a barbarism, and may either have a supposed Sanskrit derivation, or be also a corruption of zamín.

§ 2 *Early History of Malabár*

I must pass over the early myth, that the west coast was miraculously reclaimed from the sea and gifted to Brahmans. Parasu Ráma (the partizan of the Brahmans) was instructed to throw his mace or battle-axe as far as he could and so caused the whole of the west coast from about Násik down to Cochin to emerge from the sea. This country was called Chérá, of which the Sanskrit writers made Kéṛala. It was divided into four sections two (Tuluráĵyam and Kúparáĵyam) formed Canara, and two (Keṛaláráĵyam and Múshikaráĵyam) formed Malabár and Travancore. Naturally all the accounts, like the Keṛalol patti (= origin of Kéṛala') are Brahmanic writings, and *their object was to glorify the Brahmans; but this tradition* may have some naturalistic explanation, only that we must leave such inquiries out of question in a work like this.

But it seems evident that from early times, a body of some military caste of Dravidian origin, called Náyars[1] had

[1] The Náyars, says Dr Macleane, were originally snake-worshippers (Dravidian) and practised polyandry They still attest their war like origin by the employment of weapon *of war in domestic and religious* ceremonies; by their living in fenced or fortified gardens (the quillom or kolgum of the Reports); and having in the tara or village gymnasia (or kalari) wherein the youth may be trained to the use of arms. They are also remarkable for the custom that the inheritance goes not to the son but to the sister's son, because the mother, taking for herself what might almost be called a temporary husband from the Brahman or other *superior caste, the father goes for* nothing; the descent is counted from the mother See *Ind. Law Reports*, VII. Madras Series, p. 8. (Full Bench.)

This custom of inheritance is called Marumakka-tâyam or the nephew's (marumakkal) portion (tâyam).

attained a prominent place in Malabár and also Brahmans, besides other tribes. The original inhabitants appear to have been Kurumbars a pastoral people who were quickly displaced by the new settlers[1] I cannot attempt to fix the order of arrival, but we find clearly (1) Brahman (2) Náyar (3) Tívar (= islander), people who had come from the South, bringing with them the invaluable cocoa nut tree (4) Vellálar an agricultural tribe from the Tamil country All these formed their own settlements in families, as already described. The Náyar groups were called *tara* the Brahman *grámam* the Tíyar and other foreigners *cherí*.

It is to be borne in mind that we have an eminently Dravidian country to deal with, but one to which Aryan ideas had early penetrated and we know from evidence all over India, how readily the Dravidian and the Aryan institutions united, and how the Dravidian chiefs became Hinduized and considered themselves as Kshatriya, even though the Brahmans classed them as Sudra because of their origin[2]

It is remarkable that no one, as far as I am aware, has sought to refer the undoubted original organization of Malabár to the universal Dravidian (and Kolarian) model, with which it exactly agrees. Now we find in Malabár that—in the absence of large villages—the small hamlets or family settlements were grouped into some form that did duty for the village of other parts, and was called tara, cherí, &c. As usual with Dravidians the elders of the family (or unit-group called the taravád) managed the affairs, and the managing elders were called káranavar[3] The Brahmans had their similar assembly called sabháyogam. But for affairs of a more general character the taras, &c., were united into larger unions called nád (the parhá of other parts); and for the affairs of this union a larger council, called kuttam met.

From whence it came to pass, that slaves on land were a universal institution, and that in Malabár until the passing of Act V of 1843, slaves were bought and sold with the land on which they worked. See *D M* I. p. 49.

D M Malabar I. p. 16

Id. p 131.

It was at a later period, when a centralized government and military rule were introduced, that a division not corresponding with the tara, gramam, or chéri, was introduced[1] This was called desam and the chief of the desam was the deṣavâli. We have thus originally in Malabár the old Dravidian organization in a most unmistakeable form.

The Brahmanic histories, true to their own theory make out that the land all belonged originally to the Brahmans. But inasmuch as military duty police, and executive rule, are foreign to the Brahman life, we always find that the Kshatriya ruler—from a Rájá down to the 'lords of towns (deṣmukh, &c.), are an essential part of the system and accordingly we find the Brahmanic history assigning the ruling and protecting duties to the Náyars (as representing the Kshatriya element). The Kéṛalolpattı records the tradition that Parasu Ráma gave the Náyars the executive power (*lit.*, the eye the hand, and the giving of orders) so as to prevent rights from being curtailed or suffered to fall into disuse[2] This clearly means that they rose to hold the executive power But whether from jealousy among themselves, or from the comparatively equal power of the other castes, no local chief was allowed to elevate himself into a general ruler or sovereign. At first, we learn, the country being allotted into sixty four nâds or unions, the Náyars of ten-and-a-half nâds furnished a force for military and executive duty An elected council of four managed the whole, acting for twelve years.

This sort of republican rule, however failed to give satisfaction. We find that after a time, Brahmans were sent to the neighbouring kingdoms to look for a ruler; and for a long time the curious feature is presented of a chosen king ruling for twelve years only (if he lived so long) and then retiring It was at a later time that the king became permanent.

[1] Thus the Calicut *nád* contained 103 *desams*, and seventy-two *tara*.

[2] *D. M.* I. p. 133.

§ 3. *The Land Revenue in Malabár*

There is no doubt whatever that these kings (first called Kon or Shepherd, and later Perumál), received a share in the produce for their revenue—which was a well known plan among the Dravidians, as among the Aryans. But it was not the earliest Dravidian idea we know from other parts (see Vol. I. pp. 164, 5, 6) that in every village (in those parts there were villages) the Dravidian method was peculiar Certain allotments of land were made in each village—one for the village officers and for the village founders, one for the priest and religious worship, and one for the king or the king's grantee[1] The nature of the country in Malabár would not allow of this plan in the same form but we find it carried out in practice in another way as there were temple lands, lands for the chief, and for the functionaries. It was quite possible, therefore, to find a ruler or a chief taking no land revenue in the shape of a general grain-share but content with the produce of his special allotments all over the territory But in Malabár as elsewhere, it is quite certain that so long as there was a king or overlord, he levied the grain-share as well, and there is mention of it in ancient deeds.

But, to anticipate for a moment when the rule of a supreme overlord broke up (A.D 825), and the country was divided among a number of smaller chieftains, we cease to hear of the revenue-shares as the petty lords would not, of course, take revenue one from the other but doubtless lived on the produce of their own territory and of the rents of their family estates. When the chiefs were overthrown by the Mysore conquest, and afterwards regained their place as a sort of local Zamindárs, and had to pay revenue, those who retained lands or acquired them as landlords from time immemorial, having paid no revenue under

[1] In Coorg we also find mention of these panniya or royal farms—cultivated by serfs. They were nothing more than the Dravidian majhas lands of Chutiyá Nágpur And exactly in the same way when there was a general overlord, he took a revenue besides the produce of the royal lands, and when there was not, the chiefs (holders of jamma land as it was called) paid nothing.

their former organization, naturally claimed that, until the Mysorean conquest, they had not paid land-revenue. Hence the idea at one time prevailed that land revenue was unknown in Malabár

Under no Hindu system does one chief take revenue from another only the conqueror of them all will exact a general tribute.

§ 4. *Cessation of a Central Rule.*

In the *District Manual* will be found an account of the various kings that reigned. In the end, as might be expected, one of the temporary sovereigns located himself permanently but the course of events was curiously interrupted by the fact that early in the ninth century A.D. the *Perumál* named Cherámán, became a Musulmán, and determining on a pilgrimage to Arabia, he gave up his domain (A. D. 825), and *divided* out the country among a number of Náyar claimants who then became separate chieftains[1] But there were multitudes of smaller Náyar castemen not able to get domains, but holding lands and equally proud of their military caste (which was as good as that of their chiefs). It seems to have been the fact that the greater chiefs were always kept in awe by the nád assemblies (kuṭṭam) of their caste-men, and we find in the deeds,—both of the times of the *perumál* rulers, and after that,—allusions to a council of six hundred[2] which had a power of control.

§ 5. *The Mysore Conquest.*

When the Mysorean conquest took place in the latter part of the eighteenth century (1766 A.D.), the Sultán made the

[1] The last Perumál was Cherámán; the Joint Commissioners of 1793 in their Report (reprinted at Fort St. George Gazette Press, 1862) call him, I think, Sheo Ram; a curious story is told of him. As he was leaving, and had distributed his dominions, a person called Uri (ambitious though only a cowherd) asked for a share The prince had nothing to give but the town of Calicut *and his sword*. Of the latter Uri made such good use that he carved himself out the State of Calicut and was the founder of the Zamorin (Samudri = Ocean King). Only two of the greater overlords seem long to have survived;—the Kolattiri Rájá of the north and the Zamorin of the south.

[2] See *D. M.* I. p. 132.

surviving Náyar overlords his 'Zamindárs' (though not, that I am aware of, by that name) and then they began to oppress the people—in fact, they descended (as usual) from the place of rulers, to being land managers and exactors of rents. It is to this period that we must assign the definite soil rights claimed by the so-called Janmis.

§ 6 *The so-called Mortgagees or Kánam Holders.*

It may be asked what became of the smaller Náyars? It is certain that a number of them held lands under the greater men as a sort of privileged tenant. But in most cases they acquired a hold on the land—indicated by the term **kánam** = property or possession, which has been assumed to be a kind of mortgage. The details of this I will reserve for the present but it will be sufficient to indicate generally that they made money advances, and of course paid no rent, or only a part of the rent, because the interest due on the money covered the remainder

There is no evidence whatever of the antiquity of this institution of the **kánakkárar** or **kánamdárs** (as the Reports call them). The occurrence of the word **kánam** in one of the old deeds (about the ninth century) does not prove anything at all, except the use of the word to mean property or possession (as Dr Gundert, the best authority on the subject, gives it). The mortgage as we shall see, deserves the term property because really the land was made over in a very extended sense to the holder the mortgage could not be redeemed except at certain periods and on certain terms. The whole system seems to me to be quite clearly connected with the feudal organization, or the feudal spirit existing in the Náyar caste. Indeed I find the Chief Commissioner of Coorg (which is closely *connected with Malabár) in a note of 18th May 1885*[1] describing the mortgage holdings as purely a matter of feudal relation. He says —

[1] Printed in the (Revenue) Proceedings of the Chief Commissioner of Coorg.

The Náyar chieftains, if their territories were large, seem to have sometimes granted away their rights and powers over certain tracts to subordinate chiefs or captains of the Náyar militia, to be held by the latter in military subordination. The main body of the Náyars were content to get household or family allotments in lease from the chiefs and captains to whom they chose to attach themselves they gave the chief a fee called kánam or kániko in token of allegiance, on receiving the allotment. In order to secure their independence, these military Náyars asserted the power of demanding back the fee, relinquishing the land allotted, and of thereafter attaching themselves to another chief or captain. But it seems probable that the chief had at this time no power to take away the allotment or terminate the lease so long as service was duly rendered. This was apparently the original form of the kánam or kániko tenure. The bulk of the occupied land held by Náyar chieftains was granted away on this tenure the rest was the private demesne of the chief, which he cultivated through low-caste serfs or slaves, or leased to ordinary rent-paying tenants of the non-military classes called páttamkár The Brahmans collected the produce or rents of part of their lands through slaves and tenants, the rest they also found it necessary to grant to the fighting men on kánam tenure for their own safeguard and protection.

§ 7 *Growth of the Janmi Title.*

The whole process of the growth of landlord right then reduces itself to an evolutionary process, which is in all essentials the same as that which has taken place in other parts of India. The Dravidian, adopting Aryan ideas, and perhaps, in return, suggesting his own ideas to the Aryan —establishes a kingdom in which the rulers and chiefs are military caste-men, the advisers Brahmans. The inferior castes who are above the status of slaves or serfs are first settled in their own localities, holding undisturbed (as proprietors if it please us so to say) the cultivated plots which they cleared from the jungle, but paying a part of the produce to the king, or to some local chief or immediate overlord. As long as there is a powerful sovereign or overlord, he keeps the subordinate military in

feudal subjection: they were content with their places in council, the privileges of rank, the right to special dues from estates granted to them, or the perquisites of headship over the governmental groups of territory—the desam and the nád. In time the supreme ruler ceases to exist, and the country is then held in small groups or estates by the chief Náyars, while the smaller men are content to hold lands under the chiefs, as privileged tenants or on terms of the kánam: inferior caste-men are reduced to being tenants. In this stage there is no one to collect any *general* revenue. Each chief—one cannot of course take revenue from the other—lives on the produce or grain-share of his own demesne and on the payments of the smaller landholders whom he has now made his subjects.

Then comes the Mysore conquest and the disruption of the ruling chiefships. The Náyar chiefs are now reduced to being (virtually) local revenue-contractors of the Mysore State. Once more a general revenue, and that a heavy one, is exacted by the conqueror: and all classes have to contribute to it. As many of the Náyars as can do so, cling to their 'ancestral' lands, no longer as rulers, or as official heads of districts and subdivisions, but as landlords, inventing terms to signify their claim to the soil.

Lastly comes the British power: and finding the landholders making such claims, and misled by names into supposing these rights to be something really ancient and exceptional, not only recognizes the proprietorship (which, as it was practically established, was the obviously right thing to do), but further accepts totally unfounded theories about the perfection and antiquity and exceptional character of the right, whereby the claim of the State to the forest and unoccupied waste which has elsewhere been properly asserted, has been lost[1]. Another effect of the influence

[1] The proprietors were no more really entitled to the whole of the unoccupied forest and waste than were the proprietors in any other province: but unfortunately the extravagant notions were allowed so long, that now prescription has probably prevented, or practical policy will bar any attempt to resume the forest area for the benefit of the public.

of British ideas has been to treat the kánam as a pure mortgage transaction, and to render the holders liable to ejection on payment, as we shall afterwards see.

§ 8 Mr Logan's Views.

The theory set up by the able author of the *District Manual* may now be alluded to Starting with the fact that there were the successive immigrations of the Brahman, the Náyar the Tiyar or cocoa-nut planters, and the agricultural Vellálar tribesmen, the author has formed a theory that all of these fell into a sort of corporate unity all of them had certain functions—one of protecting another of tree-planting, another of irrigating—and that they *divided the produce* so that each had a certain right in the soil the king his share, the protecting class their share, and the rest going to the actual cultivator No one was then landlord in any modern sense but each class had its appropriate interest, and its privileges. That the Dravidian Aryan mind readily assimilated the idea of separate duties for separate castes there is no doubt and if we had any evidence, that every cultivating settlement contained a certain number of planters, a certain number of Vellálars and so on, and that all shared the produce something might be said for the view but nothing of the kind is known to have happened. There were separate settlements of the different castes, and the non-cultivating castes like Brahmans and military Náyars, employed slaves or tenants of the agricultural classes, while the others cultivated their own holdings, paying such dues to a lord or to the State as the existing organization required. Indeed, the whole theory of a corporate unity rests entirely on *supposed meanings of certain terms* which the best scholars find to be wholly untenable.

It is assumed, for instance, that the kánam tenure was really derived from the guild position of the Náyars. *They* were the káṇakárar and it was their part in the general polity to protect and supervise the whole. All this is evolved from the idea that kánam implies seeing or

supervising[1] Again, Vellálar cannot mean water ruler for it is a Tamil word, rarely used in Malabár and then to indicate Tamil people or foreigners generally[2]

In the same way from a single term in one of the ancient deeds (niratti péru) it is attempted to be argued that *peru* means birthright, and so foreshadowed or originated the *janmam* right, which is supposed to mean birth right (though it does not). The text, however clearly requires that *péru* should have its natural meaning of acquisition[3]

The text about Parasu Ráma, to which I have already alluded, clearly means that to the military class the general rule—as orientally expressed, the eye the hand, and the word of command —was committed according to the usual Hindu polity there is no reason why supervising should be selected in particular (see p. 158 ante).

It certainly would have to be asked how it came that a peculiar organization of division among a number of equal castes, came to exist in this one place contrary to any experience in any other place among similar Dravidian

There is the word kan the eye and a Dravidian root kanuka, to see. But there is no proof that kánam ever had the meaning proposed. *Dr Gundert, than* whom no better authority can be quoted, says that the root kanu implies not to see but to appear and the kánam is visible wealth or property in a tangible shape. It will be observed that Mr. Logan refers to one of the ancient deeds where the word kánam occurs, in which its obvious sense i property or possession—whether of a limited kind (as a mortgage) or not. T substitute supervision would make nonsense of the text. There is not the least proof that the Náyars as a class were early or ever called kánakkárar as a class. W have no evidence when the system of money advances described begun. But no reasonable doubt can xist that kánam is wholly connected with the idea of property, and that at some time or other it became specialized to mean the sort of property which the subordinate Náyar had when he took his lord' land against a money advance.

In Tamil Vellam means a flood, not water (as it does in Malayálam) and is chiefly used in poetry the word cannot be referred to any Malayalam meaning it may be derived from the Tamil Vella = white and ál = person.

The term-niratti-péru refers to an ancient Hindu custom known t Manu, of pouring out water as a solemn act of transferring property so that Niratti péru = acquisition by th water libation, is thoroughly intelligible but birthright by water-pouring seems to be self-contradictory Moreover peru does not mean birth —(and if it did there is nothing about right in it). Peru means t bring forth, or more commonly to obtain, and the derivative noun (péru) means the act of obtaining' or acquisition.

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races but, as the only evidence offered is the existence of single words and phrases, which, to say the least, are capable of an entirely different interpretation, and as the primal existence of the quasi mortgage assignment or kánakkárar tenure is assumed without the least authority we can hardly find it necessary to examine the subject further

That the ancient deeds indicate many curious forms and institutions, the division of produce, and certain rights and claims over trees and produce, all this may be fully admitted and profitably studied but they are all absolutely consistent with the existence of rights always found to arise among the superior castes and zealously claimed by them and which ultimately change into the formal landlord claims of later days.

That rights in land of a strong character existed in Malabár as they did all over India, the deeds and records fully establish but that there was any exceptional private property *of a particular kind* certainly does not appear Where Mr Logan is undoubtedly correct is in his explanation, that, while the whole class of Náyars had their original position, the chiefs were not soil-owners in the European sense any more than any other class[1] Mr Logan believes that the origin of the superior or janmí rights of the leading Náyars was in the royal grant, and that the grant gave, not the soil, but a certain position, authority and privileges. Accordingly when the subordinate Náyars advanced money to the *janmís*, it was not to take, as security, a terminable interest in the soil; and it was only by an extension of English law ideas that the soil itself could be redeemed in connection with the kánam right.

As a matter of fact, the idea of the janmí having a special right in the soil was merely the late assumption of a military class, who no longer had independent rule while the practice of taking money advances was one, the origin or antiquity of which it is impossible to ascertain,

[1] D M. vol. I. p. 601 et seq.

and was more probably connected with feudal or military tenure irrespective of any question whether the superior was soil-owner and could redeem or not.

§ 9. *Features of the Janmam and Kánam Tenures.*

It may be justly urged in defence of the claims of jan mis, that colonizers and conquering settlers have at all times in India claimed very large rights, and have had fixed ideas about inheritance and the power of transfer And when Malabár was under a sovereign prince, he no doubt made grants, which were expressed in such terms that it is not surprising to find a landlord-claim developed when the *ruling* position of the caste-men passed from them.

The ancient title-deed, translated in Mr Logan's Vol. II, no doubt proves the existence of a fully-developed idea *of property* in land and its being transferable. The deed seems to delight in indicating the completeness and dura bility of the transaction by piling up words (in this respect not unlike our own conveyances) which at first sight indicate the grant of the soil itself. We find the deed enumerating the good or bad stones, stumps of trees, thorns, roots stupid bad, wicked snakes, holes, mounds (hidden) treasure, wells skies (everything up to the sky), lower world (everything down to the bottom) streams, water-courses canals, washing places footpaths, deer forests, shady places where bees make honey import and export duties and customs, sold as part (or as incidents) of the property but there is the significant addition of desam (authority in the small territory so-called), rank, right of wager by battle, and so forth.

It has been rightly pointed out that really what is conveyed by such a grant—spite of all the words about the soil—is primarily the place and the position in the community and the soil rights that go with it[1]

[1] And this is borne out by the admitted fact that the janmam right itself may survive, though any actual enjoyment of the soil may have dropped away from it altogether See D M vol. ii, deed No. 5, and vol. i. p. 606.

It is certain that the leading Náyars, whether holding under grants worded like that alluded to or merely as original heads of territorial divisions, chiefs of desáms and nâds, were regarded as superiors and entitled to dues from smaller caste-men who were contented to hold land under them, though probably not in any such sense that they could be ejected like ordinary tenants.

And it is certain that this relation brought about the peculiar kánam tenure, which is found here and in Canara also[1] I have already expressed an opinion in favour of the view stated by the Chief Commissioner of Coorg that the kánam was the indefinite possession or property consequent on paying a fee in token of allegiance, which fee (or the interest on it) excused or covered the rent, wholly or in part but there is no need to be bound by this if it is a question of the extravagance of the landlord and his desire to forestall his rent by taking a lump-sum in advance still the whole matter was arranged by custom.

The interest to be allowed was regulated so that it was known how much of the rent—whether the whole or part—was covered. And the custom shows a desire to protect the rights of both parties. The mortgage could certainly not be redeemed at pleasure, nor at a term fixed by contract, which at once shows that we have not an ordinary European mortgage to deal with. But the custom was that when either the janmí or the káṇakkar died, a certain reduction in the principal debt was made and the holding continued as before.

After a time it became customary to deduct these portions, or credit these renewal fees to the account, *every twelve years*. If the deduction or charge of fee was actually made, a new deed showing the diminished principal and

[1] It is said, by Mr Logan himself (i, 601 note) that the term kánam, as applied to this tenure is very modern use; if so, it is very much against Mr Logan's theory for he does not adduce the smallest evidence to show that any kind of Náyar was ever called holder of kánam or kánakkára in any other sense or at any earlier time. The older name for the tenure is páṭṭola or páṭṭamóla.

consequently diminished interest deduction from the *janmí's* share was drawn up But more frequently the deduction was not actually paid but re-advanced to the *janmí* in which case the original deed remained. Under such a system in theory at least, a time came when the *janmí's* debt was reduced to nothing and if that happened the *janmí* and the *kánakkar* each resumed his original position and share of produce. Either thus, or the continual re-advance happened according to mutual convenience; and thus the good relations of the parties were maintained

Where the advance was so considerable that the interest swallowed up the whole of the *janmí's* produce-share, the transaction was called otti. But, as remarked, the *janmí's* share was not the only item in the constitution of the janmam privilege or property consequently if these other rights could be valued, they were also good security for a still further advance. These residuary rights were customarily valued at half the sum which had purchased the otti. And the mortgage, in which the interest went beyond the otti, had another special name[1] In short, the *janmí* first pledged up to the full value of his produce-share, and when that was no longer available, he had to meet the interest on further advances, out of his other resources as *janmí*. It may be mentioned that sometimes, when there was an additional advance to be taken on janmí right already pledged, it was called melkáṇam and if the previous mortgagee would not advance the money the *janmí* applied to a stranger or sub-mortgagee. The new lender has, however now no power of evicting the first mortgagee, though he can redeem the first mortgage when the time comes (without the renewal fee or deduction

[1] It is curious to note in primitive languages how frequently they have multitude of separat terms for things which modern tongues are content t describe by one or two common names, the class being the same, though some features are different. At the same time th primitive language is unable to find different terms for things which the modern speech finds it indispensable to discriminat Thus in Malayálam we find host of different names for transactions that are really exactly the sam in kind, though differing in the amount of interest, &c.

every twelve years). The simple pledge of the *janmam*, or any other right is called pannayam, the general term for which has now practically become a mortgage.

Another form of tenure which (speaking in modern terms) combined the mortgage with a waste reclamation tenure, was the kulikánam[1]

The cultivator enjoyed the whole produce (it is no light labour to keep down the weeds and clear the growth of a semi tropical forest-waste) for a term of years, paying a nominal fee for entry on the land when the term (it became twelve years by custom) expired and the janmí desired to take his share, he had to buy the right from the cultivator at a certain customary price (*now* it is called compensating, the reclaiming tenant for his permanent improvements'), and then he took his rent or páttam as in ordinary land. But commonly this money was not paid down, but treated as an advance (like the kánam), and the interest was deducted from the *janmí's* share. Moreover the cultivator who commenced such a clearing was not treated as a trespasser it was obviously to the advantage of the superior where waste was so abundant.

When the Mysorean troubles began, it seems that the Náyar janmís took to flight, or at best feared to show themselves in the Muhammadan revenue- kutcherries (public offices) so it was the kánakkars (many of them Máppillas)[2] *that had to bear the new Settlement.* Had the kánakkars thought the *janmam* to be a real right in the soil a fee simple, or some such thing they would surely have seized on it and become the proprietors. But such is the force of custom and the value of kánakkar rights, as then understood, that all the kánam holders merely made favourable terms with the janmís, giving

[1] Sometimes written (with a view t render phonetically the liquid l) — kuyyikanam. Kuli I the pit in which young cocoa-nuts are planted.

[2] The Máppillas were an energetic Musulman race who were migrants from the Arabian Coast and adopted Malabár customs and became landholders. The name is now usually said to be honorific; Ma = Mahá or great, and Pilla i an honorific suffix also pplied to Náyars in Travancore. The Máppillas have given repeated troubl by their violent insurrections.

them small sums to subsist on, and they were quite satisfied with *enlarging their own kánam rights*.

§ 10. *Résumé of the Development of Tenures.*

If we may now pause for a moment to compare the rights in a Malabár village with what they were in a joint village of the Tondeimandalam country or indeed with any joint village (of ancient origin) in the North West or Panjáb, it will be observed that (apart from their physical difference in the aggregation of land and the village dwellings, which is of no great importance) the central difference is this. In the Tondeimandalam, we have *one* leading colonizing tribe or caste, and that all the rest, including the original inhabitants, are markedly inferior so that the colonizers divide the land as their own, on such a *system of sharing and exchange, and so forth as suited* the genius of the times; and they alone claimed to be proprietors or mirásidárs respecting their inferiors and even their slaves (see page 121), more because these latter were *indispensable to the existence* of the village, than from any other cause. But in Malabár there was no one caste so predominant—at least not universally and always. The Brahmans were strong in their way and they got a good share of the territory in separate estates organized in their own fashion the Náyars were naturally strong with their military habits and organization the Vellálars had always held up their heads at any rate in the beginning[1] The Tiyars, too, could not have travelled from Ceylon, bearing with them the precious Southern tree (cocoa palm) unless they had good stuff in them and so no one of the classes at once succeeded in becoming *the* landlord over considerable areas. Each doubtless considered himself fully entitled to his own holding, but arrangements were made for a general government which to a certain extent preserved the rights of all classes. But in the end, the natural tendency of the race

[1] Though the Brahmans chose to class them as Sódras, it must be remembered that the Sudra (a theoretical rather than an actual caste) is *infinitely* high up in the scale, compared with the host of mixed-castes, and no-castes below him.

towards a military sovereignty prevailed. Accordingly in the end, the Náyars became first rulers of territories and in the end landlords, following the ordinary course of events and having done so they received the aid of western ideas in further fashioning their position into one of absolute property

The *spirit and intention* of the Malabár janmí right is just the same as that exhibited in the terms kání-átchí mírás, wárisí, wirsa, or watan of other parts and thus it has happened that we have the whole of Malabár owned by a class of *janmís*, and of inferior Náyar kának kárs, who are *now* only holders of kánam or various forms of mortgage right, while other cultivating castes hold land under the *janmís* as tenants, some of whom are protected from eviction and enhancement chiefly by the claims they have for 'compensation due to them for the permanent improvements they have effected. Of course, as time went on, the courts and Revenue Officers having proclaimed or recognized these relations, they became better understood, and are now real,—being described in leases and agreements executed, and legally binding between the parties.

§ 11 *The Modern Development of these Tenures.*

The way in which the tenures came to be what they are, is in some respects, connected with the revenue history In the first place, it has just now been mentioned, that when the Mysoreans came, the janmís mostly fled, or refused to appear so that the Revenue Settlements, such as they were, were made with the kánakkárs and others in managing or cultivating possession.

The Mysore Settlements were arbitrary and were varied from time to time. They proceeded, in the case of grain crops, on the basis of the native customary calculation, that a certain quantity of seed produced a certain outturn; speaking in general terms, the Mysorean rulers took nearly all the produce that remained after paying the cultivator s profit and subsistence, and the costs of cultivation and wages of farm servants. They converted the State grain-share into money at

certain rates. And so with garden produce they valued the fruits of the different kinds the areca nut, the cocoa nut, and the jack fruit, &c. These arrangements have now no interest for the general student, but can be traced in detail (in the different taluks and náds) in the *District Manual*[1]

When, in 1792 the country became British and the chiefs returned, arrangements were first made with them as a sort of temporary Zamíndárs. Placed in this novel position, they took to plundering and oppressing From 1792 till 1802 the district was in continual disturbance and in 1801 2, the first Collector was appointed. Meanwhile, the Joint Commission of 1792 3 had issued a proclamation recognizing the *janmís* as landlords[2]

The earliest schemes of revenue-assessment by the Collectors were to some extent based on the Mysore rates but as they failed to understand the real tenures, no provision was made for leaving a sufficient margin to supply both the janmí (who was now the Settlement holder) *and* the kánakkár with their respective customary shares or profits. This was hard, because it was the latter class who really had borne the burden of the land during the Mysore occupation. No doubt, looking to the almost universal fact that the kánakkárs had advanced money it was supposed that they were sufficiently protected as *mortgagees* and could look after their own interests by realizing their *securities*.

And at first this omission caused no great difficulty Most of the *janmís* were deeply in debt, and the kánakkárs were in actual possession, and it was not realized how the revenue scheme really ousted them from a permanent

[1] A general calculation shows that, taking the customary produce as ⅓rd to the cultivator and ⅔rds the net produce available for the co-proprietor or the State, or both as the case might be, th Mysorean assessment came t about 86 per cent. of the pāttam in wet lands, and on an verage 69 per cent. in garden lands. In the miscellaneous lands punam (temporary forest-cultivation), modan (uplands rice), and land that grew ellu, til seed, the share was from 32-42 per cent. of the gross produce.

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[2] It called them owners, and declared that the kánakkárs were owner's lessees, and *as such* liable t be got rid of when the term for which the lease was created expired. See No. LXVIII, Part II, Logan *Collection of Treaties, &c.*, Calicut, 1879.

share and interest in the soil produce, which by *custom* (we must remember) they had *independently* of their money advances.

But it was not long before the theory began to be felt in practice for in 1831 32, prices began everywhere to rise, and also an inquiry was going on into what were called the actual rents (paid to the janmí proprietors). The receipts of the janmís began to get larger and larger as the prices of produce rose and also they woke up to their new position and tried to make out everything in their own favour They found out that they could 'evict the mortgagees (who had been in possession since the time of Haidar Ali's conquest), as soon as their balances were paid off and so they began to demand extravagant terms and renewal fees or deductions, at the periods of revision, before they would consent to the renewal of the mortgage. The lessee, fearing that otherwise he would have to go altogether was obliged to consent. Then it was that the kánakkárs (regarded as mere lessees and mortgagees) began to find themselves getting the worst of it and the more turbulent ones especially the Máppillas (Moplahs) commenced those outrages which have been occasionally repeated down to the most recent date[1] and will not be put a stop to finally till there is an effective working of a good law which will protect the surviving subordinate tenants from eviction and harsh treatment by the settled proprietor

There is no test of the operation of principles, or the effect of recognizing certain relations between classes of soil-holders, like examining actual title-deeds and actual holdings and it is fortunate that Mr W LOGAN the Special Commissioner and author of the able report of 1881 has been able to examine no less than 14,034 holdings of land in Malabár

[1] The last was in 1885. What made the Máppilla outrages so bad was, that, starting with a sense of injustice of the Hindu (Náyar and Nambodri Brahman) landlord they imported into the quarrel religious fury against the infidel — considered themselves as hahid or martyrs, and after divorcing their wives and going through formal devotion to meet their end, rushed int violent attack and murders which always ended in their death.

Out of 14,034 plots, the janmí was found with wholly other caste-men under him as tenants, in 10,328 cases, while the smaller Náyar or Moplah kánakkár retained his place in only 3706 cases.

It is, however curious to note that though the janmi must have got rid of the intermediary Náyar holders in so many cases, he was still obliged to resort to the richer cultivator for advances, and appears to be proceeding to create new mortgage interests for advances, with his direct tenant or cultivator just as he did with the feudal kánakkár

§ 12 *Examination of Tenure Statistics*

At the risk of being a little tedious, I must give the analysis of the *terms* on which these 10,328 plots or holdings were taken from the landlord direct[1] —

	In number.
I. *Permanent* tenures paying rent, or the rent being excused	338
II. Otti tenure. Advances made to the land lord to such extent that the interest covered (and really more than covered) the landlord's produce-share, so that there was also *no reduction* at the periodical renewal	33
III. The same only where the advances were not so heavy and so a *renewal* fee was chargeable	26
IV The tenant had made advances, leaving some rent payable to the landlord and liable to renewal-fees (*Kánam*)	3472
V Ditto, ditto, but not liable to renewal fees (the agreement being so)	23
VI. Simple mortgages for indefinite periods, in which some rent may or may not be pay able to the mortgagor (*panayam*)	123
VII. Simple leases on rent for twelve years or more (verumpáttam)	972

[1] This list is taken from the D.M. but the order is slightly altered, and the explanations expanded so as to be more easily understood.

		In number.
VIII.	Leases for terms more than one and less than twelve years	3752
IX.	Leases for one year or at will	2589

It will then be convenient to resume the state of the chief tenures as they *now* are regarded, premising that in a book of this kind I cannot pretend to describe every one of the numerous varieties (*all separately* named and sometimes to European eyes most portentously) of tenures. Indeed except for a local administrator the distinctions have often no value they merely mark whether one or two years rent has been paid in advance, and other such features of detail.

The *real* or generic distinctions I have already to some extent indicated. Thus, for instance, the mortgage that lasts for twelve years and is then liable to a deduction or renewal fee if the janmí renews, is the *kánam* in one of its various forms. The mortgage *not so terminable and renewable*, but like a mortgage elsewhere, is *panayam*[1] The peculiar planting tenure is *kuli-kánam*[2]

These distinctions are fundamental, and not merely incidental so where the kánam amounts to otti, as already explained, the distinction may be important, because, where the mortgage is so extensive, it seems that certain forms were really only to disguise an actual sale and in fact the *janmí* had no *right of redemption*, though if the kánakkár proposed to sell *his* rights, the janmí had a right of pre-emption[3]

§ 13 *Results as to the Modern Kánam Tenure.*

Practically then, the kánakkár is now only a lessee or mortgagee, as the case may be with varying powers according to the nature of his connection with the janmí.

He may be a practically irremoveable intermediary

[1] A mortgage called nydaratti—in which both principal and interest are cleared off by the usufruct—seem exactly like the bhógmukhi mortgage common in India.

[2] See p. 170, ante

[3] A kind of mortgage called peruvartam is also a very stiff one. Here the right of redemption is not lost, but can only be had by paying the market value of the estate at the time of redemption.

because he cannot be redeemed out; if not that, he has always his tenure for twelve years, and then, if the mortgage is not renewed he has to be compensated for all improvements before being turned out and his annual payments (rent) to the janmí are regulated by what remains of a fixed share of the produce, after deducting the interest due to himself. On the other hand, if at the end of the term, he wishes to keep on the land he must submit to such renewal fee or premium as he can agree upon with the landlord With the planting or reclamation kánam (kulikánam), there is the usual twelve years tenure, and the cultivator cannot be asked to give up at the end of it without full payment for all permanent improvements, buildings, and plantations. On the ordinary mortgage (panayam), there is neither a certain tenure for twelve years (unless that happens to be the term specified), nor any question of renewal or deduction fee, nor any compensation for improvements by the outgoing mortgagee.

Simple *leases* (verumpáṭṭam) are now much in vogue varying in terms from a bare subsistence to the tenant—the bulk of the produce going to the landlord—to better contracts when the old customary one-third (of the *net* produce) goes to the cultivator and two-thirds to the landlord.

Simple tenants-at will or under contract, are called Paṭṭamkár

§ 14. *Law for Tenant Protection.*

A Bill has been prepared for the control of evictions and the monopoly of land, dealing with the question of evictions in four sections but it does no more than provide (which is a usual clause in all Tenant Acts) that eviction can only take place at a certain date (with reference to the agricultural year and ripening of the harvest, &c.), with the further addition that the tenant is to receive notice six months before the intended eviction, and with a provision that even when a suit for ejectment is filed, the tenant can prevent forfeiture by paying up his arrears and full costs of

suit (or giving security for payment within fifteen days)[1] I have no information at present regarding the prospects of the passing of this draft law or whether it will be regarded as a preliminary measure, or whether it is intended hereafter to recognize certain rights in classes other than *janmis*. At present it would seem that, besides the proprietor no one has any protection but what the terms of a *contract* give him

§ 15. *Land Revenue Management*

It has already been noted that, when Malabár was first annexed, it was placed under the Bombay Presidency A joint Commission of Bengal and Bombay officers was appointed to examine into the state of affairs and this Commission, by its proclamation in October 1793, appears to have taken the first step towards formally recognizing the janmis as owners of the soil. After various preliminary measures, under which the local chieftains were engaged with to pay a certain revenue for their territories, and Supervisors endeavoured to control them the district was transferred to Madras and a Collector with assistants was appointed. It may here be noted, that in the absence of *villages* as units of management, some other aggregate had to be adopted, and local officials appointed. The social units, tara, grámam, or chéri were too small. Under the old Malabár Perumáls there had been a general constitution of small subdivisions called deşam, and a head of each called desavâlí. The original nád was also made use of as a sort of larger (or táluk) division, with its nádvâlí or executive head, and its desádhikári or accountant. The deşam was thought too small by our first Collectors, while the Mysore administrative division called hobalí, was

[1] The Bill does not attempt to define (or recover) any right of the State to the unoccupied waste or forest. All that is assumed is the right of regulation in each case, where some one proposes to cultivate waste to an extent not exceeding fifteen acres; and the question whether any one has a just claim to object to the grant of a patta to cultivate is a question of fact in each particular case. The question can be evaded by the objector or claimant offering to pay five years assessment, in which case the application to cultivate may be refused, if the person paying is interested in the land.

unsuited. They adopted, therefore, a sort of parish grouping now called ámsham (amshom of the books), for each of which there is a headman, and an accountant called menón. In 1803 the first Collector (Major Macleod) endeavoured to make a hasty revision of the assessment but unfortunately at the same time, he raised the rates of exchange (in connection with the complicated local and other systems of coinage of the day). This led to disturbances, and Major Macleod resigned, and Mr Rickards succeeded him. In 1805-6 inquiries were made, and especially a plan of consulting the landholders, as to what method of assessing the Government share would be acceptable to them, was resorted to[1].

This assessment was called *vilackchal-mini-pâttam* (calculated in special or peculiar methods). But it proved unequal and complicated, and would not work. The next stage is represented by Mr Warden's attempt (1805) to get an enumeration of fields, and of garden trees, and to make a survey. This is spoken of as the janmí paimáish. But he was not very successful, and fell back on some earlier assessments of 1800-1 which he caused to be corrected and written out. They are said to be though defective, the best accounts extant. Being written by *Nardtha* karnams, they were called the Hinduwí paimáish accounts.

Still the assessments were much complained of, as appears from Munro's minute, written after his visit, which has been alluded to. (Munro was then a member of a Special Commission for Revising Establishments and the Administrative System). The chief cause of complaint seems to have been, not so much the assessments in themselves as the levy of them on lands that had deteriorated, and on gardens the trees of which had

[1] Roughly speaking, this was a division of the pattam. Thus (wet land is taken for an example), take the gross produce; deduct (according to the known customary ratio) the seed, and a similar quantity as being costs of cultivation. Of the balance, take ⅓rd for the cultivator and ⅔rds for the pattam, and of this take 60 per cent. for the State and 40 per cent. for the proprietor. The Government share was turned into money at certain rates for the produce at local value. There was another plan (on the same general principles) for dividing garden produce; 50 per cent. being the Government share.

ceased to produce fruit and above all, to the *sale* of land for arrears, to which the Malabár *janmis* were not accustomed[1] This was followed by the appointment of Mr Græme, who made an inquiry into the whole administrative system, and furnished what was described as an exceptionally able report in 1822 (January 14th)[2] He examined the proportions of the produce the Government could take, but unfortunately was unable to go into any of the vital questions (which would really have brought matters to a satisfactory conclusion) namely how the produce was actually shared between the janmí and what we should now call the under-proprietors or tenants. This would have elucidated the subordinate rights, and enabled Government not only to fix *its* share in such a way as to leave a full margin for *all* the interested parties, but also to make regulations for securing to each party his right. Unfortunately the able report of Mr Græme did not do this, and therefore left the tenures in the unsatisfactory condition that they have so long been in. Still the report proposed an assessment based on a proportion of the verum paṭṭam or actual rent received, as the author calculated it. The details of his plan are set forth in the *District Manual*[3] This was approved of and Mr. Græme was sent to work out his proposals in practice and revise the assessments. He ascertained the total assessments of 'hoblis or circles of villages (which had been fixed by the Mysore reans) and constituted the Amshom divisions instead. Unfortunately as he then left the district, the detailed assessment or distribution of the totals on individual holdings, was left uncompleted, and was afterwards undertaken by Mr Vaughan. The principles laid down by Mr Græme were adhered to and *are still in force*. But the execution in detail appears not to have been equal to the design.

[1] Th popular customs evinced great dislike to sale of lands at all, as evidenced by the repeated mortgages, the object of which seems to have been to stave off a sale as long as possible.

It was Mr. Græme who organized the amshom subdivision alluded to above (1822–3) see *D. M* I. 89.

I. p. 690. § 254, seq.

As regards the application of Mr Graeme's plans to the various classes of land, it may be noted that, as regards (1) garden lands various surveys and inspections were made and also periodical revisions of the assessment. These present no feature of general interest. The great rise in prices and in the value of garden lands has enabled revenue collections to go smoothly ever since.

(2) The scheme for wet (rice lands in the low valleys) did not progress so satisfactorily The accounts of the lands were false and the surveys did not advance for which the heads of amshams were chiefly to blame.

A long series of attempts at a remedy followed. And in 1861 a revision was ordered, going back to the accounts of 1806–10 (Hinduwí paimásh) with subsequent corrections for new cultivation

(3) Various taluk orders were issued regarding the assessment of miscellaneous lands, which present no feature of interest. There the reforms came to an end; meanwhile prices rose and land acquired value, so that rates which were once heavy became easily payable The fact seems to have been both as regards garden land wet land and miscellaneous crops in the upland and forest, that the soil is so fertile, the crops generally so good, and the rates so generally light by reason of increase in prices, that revenue collection has been in practice easy however complicated the various taluk rules seem to the outsider

A regular Settlement is now in progress. Three survey parties are at work in the district. In the Wainád, which was until recently part of the Malabár district, a new Settlement has been introduced, and the Settlement of Pálghat is begun.

§ 16 *The Wainád Settlement.*

The principles of the Wainád Settlement are shown by the following Notification of 29th September 1886 I have not heard of the principles on which the Malabár taluks below Ghát are to be settled

2 The general principles on which this (Wainád) Settlement will be conducted are briefly as follows —

For the classification of lands two main divisions will be observed, viz. (a) wet and (b) dry

3. (a). Wet lands comprise paddy flats and swamps locally known as Nilams, Kandams, Vayals and 'Kollis.

(b) Dry lands include all other lands on which dry cultivation (whether estate garden modan punam, or takkal) is or can be carried on.

4 Wet lands will be assessed on a scale of nine rates extending from a minimum of 8 annas per acre (by increments of 4 annas) to a maximum of R. 2 8-0 per acre according to the various classes or *tarams* to which they belong

5. Dry lands will be assessed on a scale of four rates ranging from a minimum of 8 annas per acre (per increments of 8 annas) to a maximum of R. 2 per acre The highest class (R. 2 per acre) will include forest lands and coffee cinchona, &c. cultivation. The second class (R. 1-8 per acre) will include the better kind of scrub land. The third class (R. 1 per acre) will includ inf ri r scrub and best grass land and the fourth class (8 annas per acre) will include inferior grass land

6 Effect will be given at the Settlement to the decisions arrived at in the course of the Escheat Inquiry

7 On all Government (revenue-paying) janmam lands, whether wet or dry janmabhogam at the rate of 8 annas per acre will be imposed in addition to assessment, except in the case of lands acquired *bonâ fide* from fictitious janmis whose place has been taken up by the State Occupants of such lands will only be required to pay to Government in addition to assessment, the janmabhogam, if any originally agreed upon between the fictitious janmi and the landholder

'8. On and after the introduction of the Settlement, all lands, wet or dry (except as hereinafter provided) shall only be taken up or relinquished on the system of darkhwást" and rázináma," subject to a minimum which has been fixed at half an acre on wet and one acre in dry land.

9. Forest lands assessed at R. 2 per acre at the Settlement will not in future be granted on darkhwást but will only be sold under the Waste Land Rules.

10. The existing orders relating to exemption from assess-

Estat l, a grant und r Waste-land Rul s. Th Revenue payabl by ja mi 1 so called.

ment of tea, coffee, and cinchona for certain periods after planting will remain in force.

11 House sites will be allowed free to the extent of 25 per cent. any excess being charged at the rate leviable on the land had it been occupied for cultivation.

12. Estates held under the Waste Land Rules will not be affected by the Settlement, but will continue to pay existing dues on the full extent held.

13. Existing estates held under private janmis or under Government, who have taken the place of fictitious janmis in escheat lands, *bonâ fide* acquired, will be assessed as follows —

On the cultivation at the time of Settlement, the existing rate of R. 1 per acre will be charged, which, with the addition of six pies per acre on the remaining uncultivated portion of estate, will constitute the whole assessment of the estate for the period of Settlement, viz. thirty years. It must, however be distinctly understood that the Government reserve to them selves the right of enhancing the assessment on any of the land assessed at six pies the acre, which may subsequently revert to the State by relinquishment or otherwise.

14. Estates held on Government patta will be charged the proper rate per acre on the whole area occupied, according to the class or classes of land comprised in the holding, whether cultivated or not, in addition to the present janmabhogam of 8 annas per acre, as in the case of all other Government lands, wet or dry held on patta.

15. Temporary or Punam " cultivation, as also ' Takkal " or Kumari " cultivation, will not be allowed in forest lands of the first class, but only in inferior classes of dry land. This kind of cultivation will be treated in the following manner :—

(*a*). In Government lands a block of land five times the extent of the cultivation at the time of Settlement will be marked off and entered in the cultivator s name. The whole block will be assessed at one rate lower than would otherwise be the case, and entered in the pattas; but at the annual jamabandi the assessment and janmabhogam on the portions uncultivated during the year will be remitted. No transfer of *lands held on these terms will be recognized.*

'(*b*). In private lands the proper rate will be charged on the extent cultivated.

16. The Settlement will remain in force for the usual period of thirty years (from date of introduction), at the ex

piry of which time Government reserves the right of making any modifications as may then be deemed necessary or expedient.

SECTION IX.—THE NÍLGIRI DISTRICT

The Nílgiri (Nílagiri) District, interesting as it is to the naturalist and the ethnologist, presents but few features which interest the student of Land Revenue systems. A mountain country of plateau and valley and forest, the only cultivation of local inhabitants was—

(1) The purely shifting cultivation called kúmri, practised by the Kurumba and Irula tribes

(2) the cultivation which is indicated by the term bharti, which is a sort of intermediate system between roving and settled cultivation.

But, besides the assessment of this cultivation, and the recording of rights, the Nílgiris presented other questions, of which the important ones were, the acquisition of estates by settlers at Ootacamund and Wellington, and by coffee-planters and others. These were mixed up with a question which was long misunderstood, namely the rights of a pastoral tribe called Tódas or Túdás (Todawar of some reports).

The Nílgiri district was acquired in 1799 and formed part of North Coimbatore. As originally constituted, it comprised only the plateau and the slopes on the north and east, running down into Coimbatore; but various tracts were afterwards added: e.g the Kundahnád in 1860 and the Kinnakoral villages in 1881 the Ouchterlony Valley in 1873; the South East Wainád in 1877 Merkunád, with the slopes below Manaar in 1877 The Ouchterlony Valley and Wainád have peculiar tenures of their own similar to those of Malabár of which district they were until recently a part they were not included in Mr R. S. Benson's Nílgiri Settlement of 1881–1884.

The original inhabitants of the Nílgiri district had no settled ideas of land-tenure the curious Tóda tribes are

graziers only[1] the Kurumba and the Kóta, live by kúmri cultivation in the forests, from which, like other tribes, they are gradually reclaimed to settlements of a permanent character

The Badagá tribe (called Burghers in the early reports) were the latest comers and they inhabited the settled villages, and were (with the Kótas to some extent) the only permanently cultivating class. There is, however little that is peculiar about their tenure. The nature of the country favoured rather the settlement of small hamlets with a certain area belonging to each. In the immediate vicinity of the hamlet the manure from the cattle kraals enabled a limited area of home farm or permanent cultivation to be kept up for the rest, the poverty of the soil or the habits of the people or both, induced them to cultivate only bits here and there over the area attached to the hamlet, the rest lying fallow it was, in fact, a modified form of kumri cultivation.

Under the "bharti" system, writes Mr. Benson, each cultivator held from Government a pattá for the area of land which he ordinarily cultivated in each year but the available land being practically unlimited as compared with the demand for it, and being of little value to Government, the cultivator was permitted to cultivate a different plot each year shifting from one place to another at will within certain limits, but retaining by common consent and without payment, a preferential claim, or lien, on the plots formerly cultivated by him, and returning to them in rotation after two, three, or more years, according to the nature of the soil and the period of fallow which was considered necessary to restore its fertility Thus, though the area in a man's patta, and for which alone he was charged assessment, might be only ten acres, he was in the habit of cultivating in rotation various plots of land aggregating thirty or forty acres, or even more in poor and

[1] They live by the produce of herds of buffaloes, which the visitor to Ootacamund has seen (and avoided) roaming over the grassy downs of the Kunda or low hills on the plateau. Docile enough to little Toda boys who tend them, they are wild with strangers. The Todas live in curious enclosed, domed huts, without doors windows, and furnished with a small aperture at which they creep at night. A group of such huts is called a mand

sparsely populated tracts. Nor were these several plots defined or limited or even identified except by the rude names of the fields entered in the pattá at the suggestion of the raiyat or the caprice of the village headman. There was no demarcation or survey and consequently in practice, the disposal of all lands lay with the village and subordinate revenue officials. If they did not wish an applicant for land to be successful, it was easy to set up some claimant in the locality to petition that he had a preferential claim to the land under the "bhárti" privilege, and they were thus enabled to defeat the object of the applicant or to compel him to buy off their opposition or to purchase the consent of the claimant.

The bhárti system was abolished with some flourish[1] and a Secretary of State's sanction, in 1863 but no one really paid the slightest attention to the orders, and the practice continued as before. Such a system, in fact, *could* only be abolished effectually by the one thing that was *not* attempted, i.e. demarcation and survey. It has come to an end now under Mr Benson's Settlement, because both these operations have been performed.

The bhárti cultivators got one-fifth of their nominal holding (pattá lands) at one-fourth of the sanctioned assessment, as an allowance for fallow technically described as iyen or ain-grass. They were further allowed to hold an additional grazing lease—which was supposed to be for inferior land (purava pillu vari), at one-fourth rates *till* they cultivated or some one else applied for the land. These two privileges, it was said, led to abuses (as might be expected where there was no definition or demarcation) and they might be made use of seriously to impede the spread of real cultivation.

The attempt at abolition consisted in the grant of considerably reduced assessment-rates, on the supposition that no Badaga retained any right in any area that he did not actually pay for as entered in his pattá and this was supposed (as sanctioned by the Secretary of State) to apply to only 29,000 acres then declared to be the total area

[1] See, for instance, at pp. 381 and 383, Nilgiri D. M.

held by the tribe This was afterwards ignored when, in 1870 a survey was begun[1]

In the Kundahnád, a system of management (well known also in Burma and other forest-covered localities) was practised. The system was known as erkádu and kothu kádu. It consisted in levying a rate or tax for each plough (*er*) or hoe (*kothu*). The cultivator then cleared and sowed where he pleased No restrictions, says Mr Benson, even on the felling of forests were imposed, so that the hill sides and valleys were cleared at will. This system survived in Kinnakorai down to 1881

§ 1 *Supposed Rights of the Tódas.*

We have now briefly to notice the Tódas and their rights in connection with the question of European and other settlements at Ootacamund (Uttakamand) and in the district generally under waste land and other rules

The Tódas, who were not a cultivating class had, in old days, levied or received a grain tribute (gúdu = basketful) from the cultivating tribes. On this grain, together with the produce of their buffalo-herds, they subsisted. Various authorities supported or denied[2] according to their views of the facts, any right on the part of these Tódas, who whatever may have been their claims to a just location and privileges, certainly never had any pretence to be general owners of the land or overlords of the Badagas, or anything of the kind. However at one time, a number of persons at Ootacamund purchased land from them, imagining they got a good title and apparently took up a considerable area of ground all round the house-site in consequence. In 1828 the Tóda claims were so far admitted that building sites could be taken up only on paying a fixed compensation and the Home Government had laid down some prohibitions about Europeans taking lands for

[1] See the rules laid down as to unauthorized occupation &c., D M p 325 (note).

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[1] See the rules laid down as to unauthorized occupation &c. *D. M* p 325 note).

[2] This claim was sometimes magnified till the Tódas were made out to be landowners of the whole plateau and compared with the *jenmi* of Malabár! See the right explained and the absurd ideas exposed, in *D M* p. 328.

cultivation without the assent of all parties possessing an interest in the soil and in the rents. But it seems that when lands for cultivation were applied for by settlers, these principles were not attended to, a quit-rent of R. 5¼ per cawnie (about one-and-a-third acres) was taken for Government, and that was all. But still people found that it was convenient by paying ten to fifty rupees to a Tóda, to get what they supposed would pass as a title to lands and so the question of Tóda rights was kept alive. The *District Manual* gives an account of the subsequent attempts to settle the Toda question. The claims of this small tribe were in reality quite simple, but they had grown and become complicated by misunderstanding moreover the Tódas themselves, hearing of the whole matter and probably inspired by petty revenue officials, began vaguely to imagine great things, and to refuse the compensation offered them[1] The matter hung in the air till 1843, when the Court of Directors finally decided it[2] Some rules were then made (not sanctioned till 1849) and remained until the waste land rules of 1863 came into force.

The Todas have now been secured in their mands or settlements, and a reserve of grazing and wood land is allotted to each but, even though the pattás of the Tódas are declared non-transferable, the intention of Government has easily been defeated by a system of sub-letting, which has converted the home-lands of several "mands into potato-fields and market-gardens. In 1882 Government sanctioned the levy of a heavy penal assessment on lands granted on favourable tenure if alienated by sale, lease, or otherwise. This ruling will doubtless check the practice[3] The Tóda land is subject to the really nominal land revenue of two annas an acre and that is the only charge upon it.

[1] *D. M* p. 234, et seq.

[2] See the Despatch No. 20, in extenso in the *D. M* pp. 339-41.

[3] The rates are R. 1000 per acre on forest, and R. 00 on grass lands.

§ 2 *Land held by Settlers and Immigrants.*

On this subject I cannot do better than follow Mr Benson's *Settlement Report* —

The first European settlers bought lands, as has been already noticed, from the Tódas but in 1828, Government required them to take out leases from Government and imposed an assessment of 1½ pagodas (R. 5 4) on each cawnie (1 32 acres) of land thus leased. Many properties are still held on these old leases. This high rate of assessment was held to apply to all lands, even those held for agricultural purposes, in the uplands of Todanád. This rate was considered to be excessive and likely to check the extension of cultivation so in 1836 Government, at Mr Sullivan's suggestion, reduced the rates on cultivated lands at a distance from Ootacamund to an equality with those paid by the Badagas, but imposed special double rates on cultivated lands taken up by immigrants in Ootacamund, on the ground that the land was exceptionally rich, and that a good market for produce was close at hand. The limits within which these higher rates prevailed are those now known as the limits of the Ootacamund settlement. In the same year it was determined that the assessment on house-sites should be reduced to R. 5 4 for the first cawnie only of the area occupied the remainder being charged at R. 1 2 4 per cawnie. In 1842 an elaborate manual of rules for the disposal of lands was drawn up but it did not come into force until 1849 on the completion of Mr. Ouchterlony's survey It provided for the grant of thirty years leases for agricultural purposes and ninety-nine years leases for building sites, the latter being renewable every thirty three years. Many conditions (now rarely observed) are inserted in these leases, and, in particular one which provides that on the expiration of the lease, the land with its buildings reverts absolutely to Government. In the cantonment of Wellington, leases for fifty years are granted under similar but not identical conditions. Some modifications were introduced in 1858, and in the following year the redemption of the land-tax was authorized at twenty years purchase, subsequently raised to twenty five years purchase.

The abolition of the "bharti system, which has been already noticed, was the necessary preliminary to any general system of auction sales of land such as the Government had

Waste Land Rules of 1863.

for some time been desirous of introducing. So long as large and indefinite claims under the "*bharti*" system could be brought forward and supported by the kinsfolk and friends of the claimants, who were usually the only witnesses that could be examined as to the validity of the claims, it was practically impossible for applicants to obtain land from Government. On its abolition, therefore, the Waste Land Rules of 1863, which had long been under discussion, were finally adopted, and the (General) Act XXIII of 1863 was passed to facilitate the disposal of claims made to lands about to be sold under the rules. The main provisions of these rules were that land was to be demarcated and surveyed on being applied for, and was then to be sold to the highest bidder subject to an upset price to cover the cost of survey and subject also to an annual assessment of R. 2 per acre of forest and R. 1 per acre of grass land. The assessment on grass lands was reduced to 8 annas per acre by order of Government in 1871 and, from time to time, considerable relaxations have been made by exempting land from assessment for some years after its purchase.

It is to be noticed that neither the Waste Land Rules, nor the simple rates introduced by Mr Grant in 1862 have ever been applied to the Settlement village of Musinigudi, that is, to the tract of country lying between the foot of the hills on the Sígúr side and the Moyar river. Lands there are still obtained under the "*durkhast*" (simple application) system prevalent in the low country and numerous rates of assessment, all containing fractions of an anna, still prevail unchanged since the beginning of the century. The survey of all estates in this tract was completed with the general survey of the district and the survey of all pattá lands and the revision of assessments therein has recently been ordered.—*G. O. No. 986, dated 4th September* 1884.

'When the Waste Land Rules were passed, it was decided that henceforth no land should be granted to any one, not even to the Hill tribes, except under those rules. Considerable areas were sold to European planters during the first three years after the rules were in force, but they were never popular and the sales soon fell off. Between 1867 and 1874, the sales never exceeded 850 acres in any one year and in 1868–69 they only amounted to four acres! The district was without an adequate staff of officials. Great delay occurred in the survey and sale of land applied for. When the sale took place, there was

nothing to prevent an outsider from coming in and buying the land over the applicant's head or bidding him up to such a figure as effectually depleted his cash balance and left him unable to develop the estate. Sometimes this was done through mere enmity more often to prevent new-comers from obtaining land near existing estates and thus reducing the supply of labour and manure or in the hope that the purchaser would be able to sell the land (as he often did) a few days after the auction to the disappointed applicant, who would often, on consideration, think it better to pay an enhanced price rather than incur the delay uncertainty and expense of making a fresh application.

'Prior to 1870, blocks of land applied for under the Waste Land Rules, and properties in and about the Settlements of Ootacamund, Coonoor, and Kotagiri, had been, from time to time, surveyed, but it was not until 1870 that a general survey of all lands was ordered, including lands in the occupation of the Hill tribes. Owing to the want of village establishments, the unhealthiness of the district, the advent of famine (1876–78) and other causes, the survey proceeded slowly and was not completed until about 1880. In its course it was found that, owing to the increase in the numbers of the Hill tribes, mainly Badagas, the area actually under cultivation by them had greatly increased since the pattás of 1862 had been given to them. Scarcely an acre of land had been bought by them under the Waste Land Rules, but the position of their pattá lands were undefined, and there was no one to check their acts. Consequently they had gone on increasing their cultivation at will as their numbers grew and they moreover still practised the "*kharti*" (or roving) system of their ancestors, which was nominally abolished in 1862 but which really still flourished without let or hindrance. The Survey officers thus found the Hillmen actually cultivating more land than was in their pattás and claiming still larger areas, on the ground that they had recently cultivated them and had a prescriptive right to hold them. There would, undoubtedly have been extreme hardship in an order to recognize the pattádárs' title only to the areas shown in their pattás and, consequently orders were issued to treat the pattádárs liberally In fact, the operation which Mr. Grant thought he had effected in 1862 was now again (or perhaps, more accurately for the first time) to be carried out. In practice, each man was allowed to take up

General Survey began, 1870

for some time been desirous of introducing. So long as large and indefinite claims under the '*Ukarti*' system could be brought forward and supported by the kinsfolk and friends of the claimants, who were usually the only witnesses that could be examined as to the validity of the claims, it was practically impossible for applicants to obtain land from Government. On its abolition, therefore, the Waste Land Rules of 1863, which had long been under discussion, were finally adopted, and the (General) Act XXIII of 1863 was passed to facilitate the disposal of claims made to lands about to be sold under the rules. The main provisions of these rules were that land was to be demarcated and surveyed on being applied for and was then to be sold to the highest bidder subject to an upset price to cover the cost of survey and subject also to an annual assessment of R. 2 per acre of forest and R. 1 per acre of grass land. The assessment on grass lands was reduced to 8 annas per acre by order of Government in 1871 and, from time to time, considerable relaxations have been made by exempting land from assessment for some years after its purchase.

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Objection to Waste Land Rules. When the Waste Land Rules were passed, it was decided that henceforth no land should be granted to any one, not even to the Hill tribes, except under those rules. Considerable areas were sold to European planters during the first three years after the rules were in force, but they were never popular and the sales soon fell off. Between 1867 and 1874, the sales never exceeded 850 acres in any one year and in 1868–69 they only amounted to four acres! The district was without an adequate staff of officials. Great delay occurred in the survey and sale of land applied for. When the sale took place, there was

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General Survey began, 1870.

whatever land he had at any time cultivated under the '*bharti*' system, and often, too, adjoining lands which had never been cultivated, but which might soon be useful either for extension of cultivation or for sale to other persons for in order to avoid the risks and inconvenience inseparable from applications under the Waste Land Rules, planters had now begun to apply to native landowners rather than to Government for such land as they required, and the more frequently when Government began to refuse applications for forest land, which is the only kind suitable for coffee-planting.

Malpractices at Survey

It is true Badagas rarely had land in localities suitable for coffee-planters, but then there was nothing to fix the position of the lands shown in their pattás. No one, in fact, knew the position except the owners and the men of their own village. It was easy to make an arrangement by which they should all agree to say that the land was in a certain spot which had been fixed upon as suitable for a coffee or other plantation. The subordinate officials of both the Revenue and Survey Departments were poor and easily open to persuasion. Indeed, in many cases, they either obtained, or intended to obtain, land in this way themselves. Little by little the practice, which had begun in fear and trembling, grew with impunity into a regular system, and embraced large areas in its operation. Owing to the existence of the Irulas and Kurumbas of the jungle, it was often possible to find small patches of land which had once been cleared in the midst of the virgin forest, and this lent colour to the misappropriations, and it was always easy to assert that small, poor forest was, in reality secondary growth and had once been cleared. Many thousands of acres of Government land (grass, scrub, and virgin forest) were thus claimed and demarcated as private property It was not uncommon to claim a couple of hundred acres of forest or scrub under a pattá for a half-a-dozen acres of ordinary land in some distant village. In one case I remember 1000 acres on the Hulikal slopes were claimed under a pattá for 1 bullah (3·81 acres).

Not noticed until 1878.

Owing to the position of the subordinate Revenue and Survey officials, as already noticed, and the paucity of superior officers, this state of affairs did not come prominently to notice until the complete survey registers began to come in, and pattás were under preparation for the areas as ascertained by survey Indeed, pattás for the three settlements and for Merkanád were

issued in, or prior to, 1878 without much notice having been taken of the excess lands included by survey with the private holdings. In that year however Colonel Cloete (the Superintendent of Survey) and Mr Barlow (Commissioner as he was then called) of the district, got information of the state of affairs, and several reports were written, which are embodied in G O No. 793, dated 5th April, 1879. This order laid down certain general rules for dealing with all cases of excess, and some few were settled in accordance with its principles.

St[illegible] the l[illegible] nue [illegible] count[illegible]

The state of the revenue accounts also and of the village establishment, required revision. There were no revenue villages, for the old náds (sometimes called villages) more properly corresponded to taluks or divisions. Todanad alone contains 217 000 acres. There were hardly any village establishments, and such as existed were miserably remunerated. Scarcely a headman in the district could read, and the land revenue accounts of all lands, except those in the quit rent and plantation registers, were supposed to be kept by four karnams, each paid about R 3 per mensem. As a fact, it may be said that no accounts were kept except the chittá (individual ledger) and some imperfect collection accounts. Many of the original accounts had been destroyed by the persons interested, after the revelations of 1878 with a view to hinder the prosecutions then ordered. The quit rent and plantation registers, which related mostly to the lands of European planters or to lands in Coonoor and Ootacamund, were kept in the Commissioner s Office, and, as the bills for assessment were also issued from his office, much of his time was spent in matters which would properly devolve on the Tahsildárs. It often happened, too, that, between these several registers kept by the karnam and the Commissioner land escaped registration (and assessment) altogether Each office thought that the land was in the other s register There were no general registers for fixed areas, nor did the registers usually state the tenure on which any land was held. Some lands were ordinary pattá lands. Others were held on restricted pattas, of which there were three classes :—those issued to (1) Europeans, (2) Todás, and (3) Irulas. Other lands were held under Waste Land Rules, deeds, or under permanent pattás or under ninety-nine years leases, or (in Wellington) fifty years leases. There were also quit rent lands not held on lease, and free-holds and firewood allotments and lands held on special deeds or terms. In such

a multiplicity of titles, it is easy to see how important it is that the register should be clear and well kept[1]

All this confusion has now been brought to an end by Mr R. S. Benson's Settlement[2] and this has been followed by a proper organization of village and revenue establishments. For Settlement purposes the four nâds settled were divided into thirty six villages. There were prepared at Settlement, the usual general register of lands, and from it the chittá (or individual ledger) of each holder's lands Descriptive memoirs of the villages were also prepared and printed[3] To these have been added brief descriptive memoirs of each important estate, to the number of 248 and embracing more than 41,400 acres.

It should be remembered that the Settlement Rules or Instructions empowered the Settlement Officer to make grants of land during the progress of operations, at certain rates and on certain terms this was a valuable power because it enabled him to satisfy a number of people who were touched by the necessary operations of registration, &c., which put an end to vague claims and a hope of being able to do as they pleased, on the part of many The total grants so made were of 845 acres assessed at R. 9,886

The revenue work of the district is now extremely simple Notwithstanding the large increase in the revenue over 99 p. c. was collected without difficulty in the past year Formerly 50 p. c. was not uncommonly left uncollected.

The *Memoir* contains—

(1) A note as to the situation and boundaries.
(2) A statement of the areas included.
(3) Some statistics of demarcation marks.
(4) Some statistics of the population, number of houses, of pattás, and of cattle.
(5) A statement of the area actually cultivated with various kinds of crops.
(6) A note showing the total increase of assessment by the Settlement accounts.
(7) A descriptive memoir of each important estate showing its position, the lands included in it, the history of their acquisition, the areas of the crops cultivated, the former and present owners, and the assessment.
(8) A list of all demarcated and reserved forests, with their position and areas, and names, if any
(9) A similar list of all demarcated and reserved swamps.
(10) A rough eye-sketch of the village indicating its boundaries and the chief hamlets, roads, streams, estates, and grazing-grounds on it.
(11) The general field-register, showing the number and name of each field, its rate of assessment, area and total assessment, and the name of the owner with remarks as to the tenure on which it is held or if Government reserve, the purpose for which it is reserved.
(12) An abstract showing the areas occupied as freehold or subject to each rate of assessment; the grants made at Settlement; the various areas reserved as forest, grazing-ground, &c.; and the areas available for sale &c.

BOOK IV

THE RAIYATWARI AND ALLIED SYSTEMS

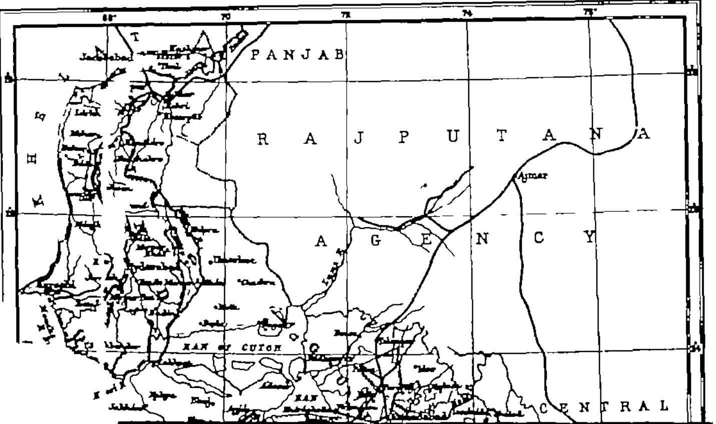
PART II.—BOMBAY (AND SINDH).

ABBREVIATIONS.

In order to shorten references I use the following :—

Full Title	Quoted as
1. Administration Report, Bombay Presidency 1882-83 Chapter I (red letter section on character of Land-Tenures and System of Survey and Settlement)	Ad. Report.
2. Nairne's Revenue Hand book (Mr H. A. Acworth's 3rd Edition)	Hand-book.
3. Survey and Settlement Manual, 1882, with the Report of 1847 by the three Settlement Superintendents, forming Part I thereof	Survey Manual.—Joint Report.
4. Bombay Act V of 1879, amended by Bombay Act IV of 1886	Rev Code.
5. A Memoir of Central India, 2 vols. reprint of 3rd Edition, 1880	Malcolm.
6. Grant Duff's History of the Mahrattas—reprinted at Bombay in 1873	Grant Duff.
7. Selections from Records, Bombay Government, No. CLI, New Series. Papers relating to Revision of Settlement in Indapur (and other) talukas of the Poona Collectorate	Indapur Report.
8. Selections from Records, Bombay Government, No. CXIV, New Series, describing the Narwa and Bhagdari villages in Kaira, &c.	Pedder — Joint village.
9. Gazetteer of the Bombay Presidency Government Central Press, Bombay 1880. (In 25 vols.) ed. Mr James Campbell	Gazetteer





PANJAB
RAJPUTANA AGENCY
Ajmer
RAN OF CUTCH
CENTRAL

CHAPTER I

THE SURVEY AND SETTLEMENT

SECTION I.—INTRODUCTORY AND HISTORICAL.

§ 1 *Comparison of the Bombay System to that of Madras.*

THE BOMBAY RAIYATWÁRÍ system has its points of resemblance to that of Madras, inasmuch as it proceeds on the same general plan—a survey of the land, a division of it into survey numbers, i.e. blocks more or less representing the *individual* holdings, and a determination of the Government revenue rate to be assessed on each field. It allows the raiyat the same privilege of relinquishing any field he does not wish to hold, by giving in his rásnáma, or notice of his desire to relinquish, in proper time it allows him also to apply for any unoccupied lot that is available. It treats the waste land in villages and outside villages, on similar principles. Each system has its jamabandí or annual determination of the raiyat's revenue liability

But in many matters of detail and some of principle (e.g. the method of assessment) the systems are dissimilar In Bombay the system is comprehensively treated and legalized in a Revenue Code (Bombay Act V of 1879, as amended by IV of 1886), which is as good a specimen of clear and logical expression of land law as is to be found on the Indian Statute Book. *Rules made under* this Act and the Standing Orders of Government—to be found in the well known *Revenue Handbook* (Nairne and Acworth)—give the necessary subsidiary details. There is also a *Survey and Settlement Manual* published

in 1882[1] In the present chapters I have constantly referred to these authorities, as well as to the permanent chapters (marked with red letter headings) in the *Administration Report* of 1882–83 (by Colonel the Honourable W C Anderson) which describe the system as well as the history of the Survey Department, and then somewhat briefly reviews the land tenures. There is also Mr Campbell's *Gazetteer* of Bombay which goes into detail about the tenures of land, in the appropriate District Volumes. To these authorities I may add some valuable papers of the late Mr W G Pedder's on Guzarát and the tenures of that interesting province and I have made use of various Settlement Reports (including the first Revision Report on Indapur), and the Government Resolutions regarding revision of Settlements, the assessment of lands improved by the skill and capital of the raiyat, and other important matters[2]

I take this opportunity of stating that, as far as possible, I have excluded the northern province of Sindh from my remarks reserving that province for a separate chapter Its revenue Settlement, though raiyatwárí, presents special features and its tenures are wholly local and unconnected with those of Western India.

[1] The student cannot help regretting that this work was not at any rate accompanied by a set of chapters which would really make it a Manual. As it stands, it is simply a collection of correspondence beginning with the *Joint Report* of 1847, and going on to the debates on the former Revenue Survey Act (I of 1865) which have a very limited interest, and concluding with some later collections of rules under the Code, and other useful orders. There is neither explanation nor comment; so that, unless reading under the guidance of a local teacher the student is perpetually puzzled to know whether any particular paragraph represents what is the rule and practice of the present day or not.

[2] I must express my indebtedness to Mr Alex. Rogers for his paper (read before the East India Association, vol. xiv Feb. 1882), on the land-tenures in Bombay; also to notes communicated by Mr. T. H. Stewart, Commissioner Northern Division, and by Mr A. S. Bulkley Settlement Commissioner and to an interesting Report of Colonel Anderson's, No. 045 of 1880 (7th October), regarding the revision of Settlements, and to the Government Resolution, No. 2169 of 26th May, 1884, explaining the policy of Government in regard to survey and assessments.

§ 2. *The Divisions of Territory and their History*

The chief divisions of territory included in the Bombay Presidency (excluding Sindh) may be now summarized. It will be remembered that, geographically the Presidency represents Western India. It includes territory which knew the old (Aryan) Rájput system, and also in later times the sway of the Muhammadan kings of the Dakhan and it is the home (*par excellence*) of the Maráthás. The main features of the country are that a strip of low and fertile land on the sea board, is succeeded by a long line of hills —the Western Gháts, marked by an abundant rainfall and much evergreen forest along the crest of the range. These hills again are succeeded, not by a plain country of the same general level as the coast districts, but by a table-land of varied surface, but of generally high level, part of which is dry and not very fertile—forming the table-land of the Dakhan. Regarded territorially we may distinguish —(1) the Northern part or Guzarát (present Districts of Ahmadábád, Kaira (Kherá), Broach (Bharoch) Surát, and the Pánch Mahálś) This tract was longest under Muhammadan rule, and has, therefore, most felt the influence of that system (2) The Dakhan districts (above Ghát, i.e. inland of the Western Coast range) are Khándesh, Násik, Ahmadnagar Poona (Púna), Sholápur and Satára these were also, more or less, under Muhammadan influence, but exhibit chiefly the results of the later Maráthá rule—a rule which, when settled as it was in these parts, did not do much to disturb the existing administrative and social organization of district and village, though it must have been felt as oppressive by the people, owing to the raising of the revenue-rates[1] (3) The Bombay Karnátak,

[1] The student will do well to refresh his memory both as t the Muhammadan influence south of the Narbada river and ho as to the Maráthá Confederacy by referring to the article India in the *Imperial Gazetteer* or some standard History The Dakhan districts were first conquered by Moslem power in the last years of the thirteenth century A D The first Delhi empire survived till 345, when the great kingdom of the Báhmanis arose which split up int the Nizim Sháh Dynasty of Ahmed nagar &c., that of Bijápur Adil Sháh) and Golkanda Kutb Sháh), and two smaller ones, Bidar and Berár which became extinct before 630 A.D. After time they were

popularly called the 'South Maráthá country (Belgáum Dhárwár and Bíjápur belonging to what are called the black-soil plains of the Dakhan), also under Maráthá rule. This country is distinguished by the fact that the population is partly Kanarese-speaking. To some extent it felt Muhammadan influence during the reign of the Mysore Sultans. (4) The district of North Kanára, finally attached to the Bombay Presidency in 1862 is a Canarese district, *also for a time belonging to Mysore, and exhibiting certain* peculiarities in its land-tenures. (5) The Konkán consists of the three seaboard-districts below Ghát—Tháná (in which is the city of Bombay), Kolábá, and Ratnágirí. These were mostly Maráthá provinces, distinguished by the peculiar revenue-farming arrangements which have given occasion for special legislation on the subject of the 'Khotí' tenure.

It will be sufficient here to recall the general fact that, passing over the early settlement at Surát, and the acquisition of Bombay Island, a portion of the Guzarát districts became British in 1802–3 (second Maráthá War) the greater part of the Presidency was acquired after the fall of the Peshwá in 1818 [1]

attacked by the Mughals from Delhi, and a suicidal struggle went on for some years between the two resulting in a brief subjection of the whole Dakhan to Delhi which the Maráthás took advantage of. In fact, the Maráthás sided first with one and then with the other and ultimately crushed both. The Maráthá history is in reality a long one. For Maráthá races bore rule and fell again in earlier times; and traces of their rule are observable in certain facts about the Dakhan villages. They appear to have succumbed *again to invasions from* the North, the conquerors having left their mark in the well known cave sculptures which indicate that they adopted the Buddhist faith. All this was long before the last and great development of the Maráthá power as we know it. This may be said to commence with Sivaji's coming forth as Rájá in 1664-74, the principal feature being the rise of the other branches, the Bhonslá of the Berárs out of this family came the Nágpur provinces which passed under British rule in 1854), the Indore (Holkar) and Gwalior (Sindhia) branches, and that of Baroda. It was the Berár branch that attacked Bengal and Orissa; the central power (the Peshwá) was defeated in the north by Lord Lake, resulting in the treaty of Anjangám (December 30, 1803), and the cession not only of some Bombay territory but also *part of Bundelkhand, and districts* on the Jamná River in the north. Finally the disruption of the Peshwá's kingdom in 1817, brought the other territories to Bombay and saw the downfall of the Maráthá Confederacy.

These dates of acquisition are general. There have been many minor changes before and since.

These dates at once indicate that the Bombay districts came under British Revenue Administration just when the Madras districts were going through the experimental stages of management which have been described in Chapter I of the account of that Presidency. Historically the Bombay Settlement system came after the Bengal Permanent Settlement, and after the North-West Provinces village system had received the first beginnings of its final form under Reg. VII of 1822. It came also after the first Madras raiyatwárí Settlements, but before the final development of that system which may be said to date from 1855. The Bombay system began in 1835, but may really be dated from the time of its development into uniformity in 1847.

§ 3. *The Maráthá Organization as preliminary to our Own.*

Before we proceed to consider the modern Survey system, let us take a brief glance at the organization of the districts as they were left by the Maráthás.

The student should bear in mind that these clans, though peculiar in some of their ideas and customs, were Hindus (being probably a mixed race of Dravidian origin, which had adopted the Hindu social system and religious ideas). They accordingly organized their affairs very much on the traditional Aryan or Hindu model; nevertheless, their methods had been a good deal influenced by the practice which originated with the Mughal empire or with the independent Dakhan kingdoms.

The Hindu organization (I may repeat—for the fact is too commonly forgotten) is twofold. Two systems exist side by side—the State organization, and the village or

Th British t rritory (as a glance at th map show) is, in parts, much mixed up with the territories of Native States and Chiefships more or less ndepende t. Occasional lapses h added villages or taluhas t the British districts; and in times past for con enience sake boundaries have been simpli fied by arranging the cession of particular illages. It is perhaps partly owing t this imixture of territory that the Settlem nt operations go so much more by táluks than by whole districts and Collect rat s, though this is not the chief reason.

social organization. As regards the latter ancient Hindu government is chiefly associated with that type of village in which every landholder is a separate unit, concerned only with his own cultivation and revenue payment. In early days he paid his revenue in kind, giving the customary grain-dues to the bára bulauti —the village staff of officials and artizans, and to the Bráhmans or other religious body and also to the king The headman and the accountant are both hereditary and often have their watan, or dearly prized estate in land, held (together with other privileges) in virtue of office. The office of headman is sometimes twofold there may be the head man connected with the old village families, and another appointed by the ruler and where this is not the case, the *headman must be regarded as the connecting link between* the State organization and the village and rather as belonging to the former than to the latter

The State had at its head the Rájá, and under him a number of chiefs, who were bound to render military service. In the case of the Maráthá States, there was a confederacy[1] each prince or chief held his own state, but in a certain subordination to the Peshwá who held his court at Poona. Each ruler and each chief took revenue from his own domain only no revenue was paid by the feudal subordinate to a superior only service in the field and contributions or aids in times of danger

The Hindu territorial administration which connects the villages with the entire government system, was (as we see it described in Manu) a sort of successive enlargement of the village government[2] A group of ten or more villages formed a pránt, and several piránts united formed a deş, each with its headman (deşái or desmukh) and its head-accountant (Deşpándyá). *Those, in fact, were for the* deş what the pátel and the village kulkarní or gráma lekhak[3] were for the village[4] Above the deş a still

[1] Including the Rájás of Satára, of Kohlápur, Holkár (Indore State), Sindhia (Gwalár or Gwalior), the Gaekwád of Baroda, &c.

See vol. I. chap. v p. 254.

Grant Duff, p. 56.

For an account of the Maráthá State and Government organiza-

larger group was recognized, presided over by the Sirdesmukh and the Sirdeşpándya; some families still retain these titles, presumably because some ancestor once held the office.

The Maráthás, however often adopted, with some modifications, the Muhammadan rulers local division of territory and that again was a division based on still earlier forms[1]

The whole province was still called Súba or Sir-súba. Under this the major division was the Sarkár comprising ten to forty districts (pargana or mahál) The district contained fifty to a hundred villages, and was presided over by a kamísdár (or kamáisdár) a sort of Collector he had his staff of kárkun or agents and his sibandí, a body of which the members may be described as half militiaman, half bailiff. The Kamisdár was placed by the Maráthás over the earlier and hereditary pargana officers, who were the district headmen,— mandloí or chaudhári, or zamíndár (always called zamíndár in the Rájput States), also called desmukh deşí or desái These latter officials had a nánkár (subsistence) allowance and a láwí or small percentage on the revenue collected, also a bhet (or bheṅt), viz. a rupee or two from each village. The Maráthás were jealous of this class of officer (and with

tion, see Malcolm, vol. i p. 433, et seq., and for the Revenue administration, vol. ii. (p. 89, et seq.).

Here is an example in the Attavisi or twenty-eight parganas of the Surát province which came under British rule in A.D. 1803, the revenue was then farmed by certain hereditary officers called desái. The position and functions of the desái under Mughal rule are perfectly clear having been defined by a farmán (decree) of the Emperor Aurangzeb. Their duties were to assess, collect, and to pay over to the treasury the revenue due by the cultivators their remuneration (besides some fees and free lands) was 3 per cent. on their collections. Originally there was one desái to each pargana; but as time went on, the desái families, according to Hindu custom, divided their rights according to the rule of inheritance, allotting the supervision of single villages or even shares of villages, to individuals that is, each member of the family assumed the management and the emoluments of a division of the pargana corresponding to his share in the hereditary interest in the office (Pedder *Journal Soc. Arts*, vol xxxi, April 1883, p. 521.) Mr Pedder goes on to say that the Maráthás allowed the desáis to *farm* the revenues of their villages, and that they were on the high road to become proprietors; and at one time the possibility of Settlement with them was discussed by our Government.

reason—for under a lax administration they grew into great power and absorbed the lands and intercepted much revenue)

Under them was the pargana kanúngo with his staff of mirdáhas or land measurers. The Hindu title was des-pándya or des-lokhak, they had only half the allowances of the former class. Both were however watandár i.e. had lands which were held along with the dignity of office, and became hereditary

The pargana was subdivided into tálukás or tappas, small circles of villages (five—twenty or thirty villages). The early Hindus did not trouble about *measuring* land, because they always took their revenue in kind but it was otherwise under the Moslem and Maráthá rule.

'All ground, says Malcolm[1] be it ever so waste or hilly, is included in these divisions, which are marked by natural or artificial boundaries, such as rivers, water-courses, ranges of hills, trees, rocks, ridges, or lines between any two remarkable objects. The lands were measured, including the space occupied by tanks, wells, and houses, &c. in the time of the Mughal Government and this record of measurement was lodged in the office of every zamíndár (desmukh, &c.) of a district, as well as in the fardnavis s[2] office Several of the records have been saved but where they are lost, the ease with which the memory of the respective limits is preserved by the hereditary officers of the district and village to whom this duty belongs, is very extraordinary

§ 4. *System of Revenue Settlement under Native Rulers.*

In the days of the Empire, Sháh Jahán (1637 A.D.) introduced the Akbarian survey and Settlement into the Dakhan. (The land was measured with standard measures and was assessed at one-fourth of the calculated average produce commuted into cash and fixed for ten years. Murshid Qulí Khán was employed for twenty years on this task. The

[1] Vol. ii. p. 5.
[2] One of the State Departments or Secretariats of the Maráthá Ráj.

assessment was known as tankhá. The name is really derived from the *silver* coin which was used in lieu of the old copper taká [1] but the term has become synonymous with a fixed assessment in the lump on a village. In the independent Dakhan Kingdoms, the Ahmadnagar Minister Malik Ambar (he died A.D. 1626) pursued a similar but not identical system [2] His assessments varied with the crop and were not fixed like the Mughal Settlements they were also lump-assessments on the village (in some cases). Grant Duff mentions that where the assessment was in kind it was two-fifths of the produce and that where there was a cash-assessment, it equalled in value one-third of the produce.

When the Maráthás came into power they took the revenue in money on the basis of the older measurements, but they ignored the lump-sum village (tankhá) assessments, and made (A.D. 1784–85) a new kamál assessment, field by field [3] based on a classification of soils. In Poona (for instance) this plan nearly doubled the old tankhá assessment. They seem to have taken for irrigated land garden land, and for land growing opium and sugarcane, rates varying from R. 5 to R. 6 R. 8 and R. 10 per bíghá dry crops were assessed at R. 1 to R. 1 8 the bíghá

[1] Grant Duff, vol. I. p. 106.

[2] See Grant Duff, I. 80, where an account of Malik Ambar's history is given. In his land Settlements, he greatly restored the mirásdárs,' and made joint Settlements for whole villages, whence it was stated in some of the Madras notes on mirási rights—of course, by an opponent—that mirásidár was an office created by Malik Ambar!

[3] *Indápur Report*, part I, para. 3 (p. 8 of the reprint).—It will be remembered that the Maráthá revenue system exhibits two periods or phases. At first, when the several chiefs were in the conquering and marauding stage—interfering and gaining a footing in this province and that, sometimes by force, sometimes by the grant of powers anxious to conciliate them or get their aid—they took only part of the revenue as a sort of cash allowance. This was called the 'Sirdesmukhi' or general sum as the overlord's right or tribute, and Chauth, i.e. the fourth part of the general revenue. And this tribute was divided: one part went to the general treasury of the head of the confederacy another went as mokása—that appropriated (mukhasa, A.) to special objects such as the maintenance of chiefs or a saranjám allotted for the support of troops. When the general government of the Maráthás was established, they then took the whole revenue and assessed the land (or in rarer cases farmed the collections). But occasional revenue assignments were still called 'mokása' or saranjám as before

(afterwards doubled)[1] When they could not collect the kamál assessment, they gave farm leases, as they did in the Konkán where the khots or revenue-farmers grew (in time) into proprietors.

Our system has recognized the village officers and preserved their emoluments. The (pargana) organization has given way to that of districts under Collectors and subdivisions called tálukás[2] with a mamlátdár (tahsíldár of other parts) at the head, as we shall further see in the chapter on Revenue officials and business. The old pargana officers families have still reminiscences of their titles, and in some instances have retained their hereditary 'watan lands in the form of an inám, though without any official function.

To do the Maráthás justice, it may be said that where their rule was settled, though they were stern and exacting financiers, they did not kill the goose that laid the golden eggs. They knew how to make a full assessment, but yet to let it be elastic—an art known to oriental rulers and not sufficiently recognized by ourselves. Where, however (as in the outlying provinces or those where their tenure of power was uncertain) the Maráthás had but a fitful grasp, their behaviour was that of plunderers, not administrators. Here, for instance, is a brief extract from Dr Fryer a traveller of 1675 A.D (published 1698), relating to Canara, which came under Mysore rule, and was then conquered by the Maráthás of Siváji's time[3] —

It is a general Calamity and much to be deplored to hear the complaints of the poor people that remain, or rather are compelled to endure the slavery of Sevu Gi the Desies (desái) have Land imposed upon them at double rates: and if they refuse to accept it on these hard conditions (if Monied men) they are carried to prison there they are famished almost to death: racked and tortured most inhumanly till they confess

[1] See Malcolm, II. 29. I understand the bighá used, was Akbar's 3600 Iláhí gaz, coming to 3025 of our square yards, or nearly $\frac{2}{3}$rds of an acre.

[2] In Bombay they use the Maráthí form (tálukás) of the Arabic word taluqa (or property ta alluqa).

[3] Quoted in the *Settlement Report* of the Kumta and Ankola Tálukás, pp. 2-3.

where it is. They have now in Limbo several Brachmins whose flesh they tear with pincers heated Redhot, drub them on the Shoulders to extreme Anguish (though according to their Law it is forbidden to strike a Brachmin). This is the accustomed Sawce all India over the Princes doing the same by the Governors when removed from their offices to squeeze their ill-got estates out of them which, when they have done, it may be they are employed again. And after this fashion the Dosies deal with the Combies (kunbí—cultivator caste) so that the Great Fish prey on the Little as well by land as by sea, bringing not only them but their families into Eternal Bondage.

§ 5. *Early Revenue Management.*

When the territories which had been hitherto ruled in the manner just described came under British administration in 1818 there was nowhere in India a system so successful and so well defined as to serve as a model for introduction into Bombay The Zamindárí Settlement had failed in Madras, and was far from being successful in Bengal, though it still had its advocates the system which was afterwards introduced into North-Western India had not yet seen the light, and the Madras raiyatwárí-system, however ably explained and defended in principle by Munro's minutes, was not yet working well, as the true practical application of an excellent theory had still to be developed[1]

Inevitably therefore, the earliest Bombay management commenced in most districts, with dealings with the desáís (heads of districts under Native rule) and other local men of influence, who leased or farmed the revenues of certain tracts of country while in other districts the Maráthá village revenue assessments were followed, or some modification of them or periodical leases were granted, leaving

[1] See the chapter on Madras early revenue arrangements (p. 48, ante). The system had to grow and to be improved step by step until 1855, the Madras revenue management was little more than a series of experiments in revisions and reductions of rates, varying from district to district and taluk t taluk, and not likely to commend itself to the outer world.

things much in the hands of the headman and accountant (kulkarní)[1]

This early revenue management in Bombay I propose to pass over entirely as uninstructive It was an utter failure, both in the Guzarát districts and in the Dakhan. The Maráthá assessment accounts showed sums that could not, owing to various causes, be realized. A great part of the Dakhan districts was at that time waste, and a cycle of very low prices set in all these circumstances together resulted in a period of failure and confusion in the revenue administration.

§ 6 *Question of the adoption of Village Settlements.*

A new departure had clearly to be made and after 1822 we find the Government anxiously considering what plan of Settlement it would adopt. By this time the North Western system of 1822-33 had begun to show good results, and its advocates were able men —able both to work the system and to be its prophets in minutes and reports. The first question, therefore, was whether the village system as applied to the landlord or joint-villages of the North Western Provinces, should not be adopted in Bombay We were unfortunately then in a stage when the *relative merits* of revenue-systems were discussed. No comparison can be more invidious than that of one revenue-system with another no discussion can well be more fruitless. It is simply impossible to say that one system is, in itself, better than another—that one is to be regarded as enlightened, another the product of outer darkness. The applicability of systems depends wholly on the facts and on the circumstances of the place. Where there are really joint-villages of whatever origin, few persons will be disposed to doubt the merits of the village-system Where the North Western type of village is not in practical survival (or where it never existed) some form of

[1] See the *Indápur Report*, p. 9. There is an account of the oppression practised by the desáis (1800-1816) in the *Gazetteer* (Surat, p. 215 These officers were gradually abolished and pensioned off after 18 6.

raiyatwári Settlement is preferable, for the simple reason that the introduction of a village-system must be accompanied by more or less artificial arrangements which may or may not be acquiesced in by the people. All depends on circumstances—on the character of the people and the value of the privileges which are offered by the joint-system. Ordinarily in a country where the free grant of waste as village common, is not appreciated, and where the people have been for generations holding land without any bond of ancestral connection, the joint-liability involved in the village-system, is refused and naturally if the principle of assessing the village jointly in a lump-sum (which is distributed over the holdings according to a known system of sharing) is not applicable, and then the only distinguishing feature of the system is *gone* what remains is common to it and to the individual or raiyatwári system.

Considerable hopes were, however entertained that a joint-village system might work for there were indications that such villages had formerly been in existence. The detail—and it is somewhat curious—of village history must be reserved for the chapter on land tenures but it may here be noticed that a general inquiry into village-tenures was made as it had been in Madras. In one or two districts of the Guzarát section there were joint villages (or as they are officially called, shared villages) still in survival, and unquestionably exhibiting the same features as joint- or landlord villages in the North Western Provinces. But a much more widespread phenomenon presented itself in the Dakhan districts, which was chiefly observable in the survival of certain *terms* which were used to distinguish two classes of landholdings in villages. There can be no question that in many villages the memory of old proprietary families who once owned them, also survived. These data were, however sufficiently obscure to allow of considerable difference of opinion as to the meaning to be put on the terms and as to the facts to be inferred. At a later stage we shall pursue the subject here I can only state briefly that, whatever the true

theory anything like a joint-constitution, or system of co-sharing by a body of owners willing to be jointly responsible, was certainly not found in the villages generally (as it was in the Guzarát cases) and hence the hopes of success for a system involving a general joint-responsibility was not a very strong one.

The ultimate conclusion which seems to have been reached was that no attempt could (generally) be made to set up a proprietary class as distinct from the other cultivators nor was it thought possible, as a general system to assess the villages in the lump and trust their own ancient organization to distribute the amount fairly[1] The individual system was therefore the necessary alternative, seeing that *ex hypothesi* it was agreed not to create artificial middlemen proprietors. A system must be adapted to the commonly prevalent type of tenure where there are exceptionally constituted villages, as in Kairá, the raiyatwárí system can be modified to make allowance for them, —as well as for the Ahmadábád taluqdárí, or the Konkán Khotí, or any other exceptional tenure.

§ 7 *First Surveys on the Raiyatwárí Plan.*

The early Survey-Settlements on the raiyatwárí method were, however unsuccessful. They were commenced under Mr Pringle of the Civil Service, in 1824–8 The failure was in no respect due to any fault of Mr Pringle's. He is reported to have been an exceptionally able officer; but, while he himself spared no pains in his calculations, the

[1] The Hon. Mountstuart Elphinstone, when Governor, was anxious to have the North West village system. In 1840 the Revenue Settlement Superintendents examined the North-West system in an elaborate letter (*Survey Manual*, Appendix I, after p. 104), and vindicated the raiyatwári system for Bombay This has now only a historical value. It seems rather to evade the question of the existence of village communities, in a somewhat equivocal sentence at the end of paragraph 3. There were no doubt estates in the Dakhan, and may have been brotherhoods of mirásdárs; but practically there was not a generally existing condition of villages comparable to that of North India, still less a condition of affairs such as would warrant any hope that the Dakhan would be better suited by the North-West joint-village assessment than by the field-to-field assessment; and that was the main point.

material collected for him was worthless owing to the unreliable character of the subordinate staff which had not yet been worked up to that stage of necessary efficiency which was afterwards attained. The system adopted was one of great elaboration, but the survey-data, and the statistics, were too rough and inaccurate to render the most careful assessment work of any practical use. It was like trying to read off the smaller fractions on a barometer so faulty as not to mark even whole degrees accurately.

His (Mr Pringle's) assessment, says the writer of the *Administration Report* of 1872–3 was based on a measurement of fields and on estimates of the yield of various soils, as well as of the cost of cultivation, the principle adopted being to fix the Government demand at 55 per cent. of the net produce. The execution of the different operations of the survey was entrusted entirely to native agency without either the experience or the integrity needed for the task and at a subsequent period the results obtained were found to be nearly worthless. The preliminary work of measurement was grossly faulty and the estimates of produce which formed such an important element in the determination of the assessment, and which had been prepared in the most elaborate manner were so erroneous as to be worse than useless. But meanwhile the Settlement had been introduced and with the result of aggravating the evils it had been designed to remove. From the outset it was found impossible to collect anything approaching to the full revenue. In some districts not one-half could be realized. Things now went rapidly from bad to worse. Every year brought its addition to the accumulated arrears of revenue and the necessity for remissions or modifications of rates. The state of confusion in the accounts engendered by these expedients was taken advantage of by the native officials to levy contributions for themselves. Every effort, lawful and unlawful, was made to get the utmost out of the wretched peasantry who were subjected to torture, in some instances cruel and revolting beyond description, if they would not or could not yield what was demanded. Numbers abandoned their homes, and fled into the neighbouring Native States. Large tracts of land

See p. 41 of the Report. This is the decennial report of the period previous to the one most frequently quoted in these pages (that of 1882 3).

were thrown out of cultivation and in some districts no more than a third of the cultivable area remained in occupation.

The result of these difficulties was, that in 1835, a recommencement was made by revising the Settlement of the Indápur taluka of the Poona Collectorate. It was found that the survey required to be done again. And an entirely new method of soil-classification was adopted.

Abandoning all attempts to arrive at a theoretical ideal of assessment by endeavouring to discover the yield of different soils and assigning a certain proportion of them as the Government demand, the Survey-Officers adopted the simple expedient of ascertaining the average character and depth of soil in each field and classing it accordingly no more than nine gradations of valuation being employed for the purpose. In fixing the rates of assessment they were guided by purely practical considerations as to the capability of the land, and the general circumstances of the district. The more intelligent among the agricultural class were even taken into consultation on the subject and their opinion allowed due weight. No safe standard of assessment existed the rates in force in the prosperous times of the district had, through the depreciation in the value of money long ceased to represent any moderate share of the produce of the land, and the ruinous consequences of the first Settlement forbade any reliance being placed on the system of fixing a Government demand on estimates of the yield of the land

As the experimental survey of 1835 was found successful, the same system was gradually extended to other localities also.

§ 8. *The Present System.*

As the present system is virtually an extension and completion of that commenced in Indápur in 1835, the Bombay officers view the survey for revenue purposes, as one operation, which began in 1835 and is still going on[*] and which will be completed in about six or seven years, and will then not require to be done again. The only

See the *Administration Report* of 1872–3, p. 42–3. This experimental re-survey was carried out by Messrs. Goldsmid and Lt. (afterwards Sir Geo.) Wingate, aided by Lt. Nash at a later period

Ad. Report, Chapter I, p. 28.

work will be the revision of the assessment-rates on certain principles. For the original or first Settlement was made for a period of thirty years, and as the term comes to an end, the rates require to be revised and reimposed for another period.

The first efforts at Survey-Settlement, even after 1835 were not entirely successful; but, even under all disadvantages, the condition of the Indápur tálukâ soon showed marked signs of improvement, both as to extension of cultivation and the easy realization of the revenue. Separate surveys were gradually organized for other parts of Poona, Ahmadnagar and the South Maráthá Country. As experience widened the practice improved. It was wisely determined to gather up the results of the experience gained, and formulate them into a regular system for the guidance of workers in the remaining districts. In 1847 three Settlement Superintendents (Wingate, Goldsmid, and Davidson) met and drew up the clear and practical paper known as the *Joint Report* of 1847. This Report modestly disclaims the merit of discovering anything new and professes only to simplify and reduce to system the somewhat diversified operations of the different survey parties. Nevertheless, the introduction of these rules, when they came to be well understood in practice, was of singular benefit to the country. The Settlement system thus consolidated and sanctioned by Government, is (with some minor modifications of later date) the method of Settlement which we shall have to study.

Section II.—The Survey

§ 1 *The Survey Settlement Staff*

It is needless to repeat that an accurate survey of the soil and a classification of it, are the essential preliminaries to any modern Settlement, and *à fortiori* to a raiyatwárí Settlement.

It may however be premised that the Settlement-survey is conducted by several parties, working in different dis-

tricts, each in charge of a Superintendent, who has separate establishments (as a rule) for measuring and for classifying the soils generally the latter operation follows the survey measurement at an interval of one season. Every detail is closely supervised by the Assistant Superintendents. On the Superintendent devolves the duty of fixing the rates of assessment, reporting (as under all systems) those rates for the sanction of Government, and introducing the Settlement when sanctioned. In this last operation an officer of the Revenue Department is associated with him[1] The whole Department is controlled by a Settlement Commissioner

It was formerly the subject of remark that the Bombay Survey-Settlement was purely technical, and that the ordinary District Officers knew nothing of its practical working but this has ceased to be the case. Every Civil servant of less than seven years standing is now required to go through a course of Settlement-survey work in the field, both in measuring and classifying soils and Survey Settlement-work is one of the subjects of examination[2]

Occasion may also here be taken to remark that though the dates of Settlement given in the general table at p 61 Vol. I of this work, seem to show (as noticed also in Stack's *Memorandum on Revenue Settlements* 1880) that the period occupied by Settlement is twelve to fourteen years, which is longer than other provinces; this conclusion is not practically true. The practice of settling small areas at a time, makes the period for the *whole district* seem longer but, as a matter of fact, the new rates take effect in the tâlukâ without waiting for the whole district or Collectorate to be completed.

§ 2. *Commencement of a Survey-Settlement.*

(Rev Code i.e. B A t of 1879) [sec]. 95.

A Survey-Settlement is set in operation by direction of the Government. The Code does not require any notifica

[1] When the present surveys [a]re [a]t an end, the need for a separat[e] Department will cease. Future revisions of assessment, which alone will be called for will then be done by the ordinary Revenue Staff, with the aid of an officer specially charged with the super vision of Land Records and Agriculture.

[2] See the rules at pp. 360–74 of the *Survey Manual*.

tion in the *Gazette* to begin with that comes afterwards when the assessments are declared. The officials spoken of above, who conduct the Settlement, are appointed by the Governor in Council[1] Every one so appointed is called in the Code a survey officer The Governor in Council directs a survey with a view to the assessment of the land revenue for a term of years. The Governor may also, at any time, direct a fresh survey or any operation subsidiary thereto but the assessments cannot be enhanced till the original term of Settlement has expired

§ 3. *The Importance of the Field or Survey Number*

It has been already stated that one of the great features of the raiyatwári method is the facility it affords for the contraction and expansion of operations by the cultivator according to his means. He is bound by no lease. The amount of his assessment is, indeed, fixed for thirty years (or whatever other term may be ordered) but his title to the land goes on from year to year he may perpetuate it at his pleasure. So long as he pays the assessment, the title is practically indefeasible. But if he feels unable to work the land he holds, he may relinquish (under suitable conditions) any part of it or if prosperous, he may take up more land, if land happens to be available. It is therefore necessary to demarcate, survey and register all the permanent divisions of land in a village. This is done by selecting certain survey-numbers or survey fields or blocks, as the main units of survey and arrangements are then made for the due demarcation, survey and record of smaller subdivisions.

The success, writes Colonel Anderson, of Settlements on the raiyatwári system depends in a very great degree on the correctness of the measurement of individual properties and on the facilities afforded for identifying them. To

[1] A convenient clause specifies that subordinates may by delegation, exercise such portion of the powers of their superior as he may authorize, but always subject to a right of revision by the superior

ensure these objects a constant check is kept on the work of the surveyor who is required to have boundary marks erected at the corners and bends of each property as his work progresses[1] The *village maps* which are most accurate and detailed, show not only the outline of each survey number in which several properties or holdings may be included, but (by conventional signs) the position and description of every boundary mark.

The survey number is, however far from being an arbitrary thing It is necessary indeed, to lay down an ideal area which, as far as possible, it is desirable to attain; but existing and well known divisions into fields were always allowed due consideration and under no circumstances were differences of tenure and marked natural distinctions ignored in order to attain an ideal or arbitrary standard. In waste lands it was, of course, open to adopt a size for the survey number corresponding to the standard officially prescribed.

It will be well to distinguish the earlier rules from the more modern practice regarding the size of the survey number

§ 4. *The Earlier Rule.*

It may be premised that the Bombay survey abandoned the use of bighás, or other ancient or local measures, and works entirely with English statute acres.

The idea of the *Joint Report* was to start from the area which a raiyat could cultivate with one pair of bullocks[2] this would vary according as the cultivation was wet or dry or as the soil was light or heavy and generally with the climate and circumstances of the locality

This rule did not apply to larger areas of jungle-covered waste land, which were at first made into large numbers,

[1] The traveller will know directly he comes into raiyatwári country by observing the stones (or banks where stone is not available) forming angular marks at the corner of every field. This will be seen in the diagram at p. 201 post.

[2] As farming cannot be prosecuted at all with a less number than this, when a raiyat has only a single bullock, he must enter into partnership with a neighbour, or obtain a second by some means or other in order to be able to cultivate at all. (*Joint Report*, § 13.)

and were divided up afterwards when applied for for cultivation.

It was found that in each class the following area was convenient as a standard —

20 acres for light dry soil (unirrigated).
15 " " medium.
12 " heavy
4 " rice-land (irrigated and wet).

Then, as a rule, every number should contain a number of acres, of which the foregoing table gave the *minimum* double that was the *maximum*.

Plots under different tenures—as inám and revenue-paying, or wet and dry cultivation—were not included in the same number whatever the size. Those are the standards which were adopted in the earlier Bombay Settlements and in Berár

§ 5. *Necessity for Modification.*

Circumstances, however have tended to make them unsuited for final adoption. When the first Settlements were made, land was much less valuable than it has since become large areas were also waste and it was not anticipated that these would become valuable enough to be cultivated consequently a larger and simpler division of land for surveys than now suffices, was all that was then required. Again difference of locality produces fresh requirements. Thus the early rules were well adapted to the dry districts of the Dakhan, but the densely populated country west of Satára was found to require a smaller unit for each number

§ 6 *The Later Rules.*

The result has been that the older rules have been considerably modified. The legal basis of the practice on resurvey or revision is to be found in the Rev Code (and in No. 55 of the Rules under Section 214)

The Code prescribes that no survey number is to be made less than a *minimum* size, to be fixed for the several classes of land in each district by the Survey-Settlement Sec. 98.

Commissioner with the sanction of Government. But the Code saves all survey numbers which had already been fixed below the *minimum*, or where the Commissioner gives special orders otherwise and any survey number separately recognized in the Survey records shall be deemed to have been authorizedly made, whatever be its extent. The principle now adopted is that on revision survey every independent holding (paying revenue to Government) shall be separately measured and assessed on its own merits. It is also demarcated on the ground. If it is too small to be a separate survey-number it is indicated in the register as a subordinate number (familiarly called 'pôt number') but for all intents and purposes it is legally a *recognized share of a survey number*[1]

The general rules for the Dakhan plain-districts and the South Maráthá country now direct—

(1) That an original survey number over thirty and under fifty acres (*dry*) shall be divided into two fields every field over fifty and under seventy acres into three, and so on so as to secure that no survey number exceeds from twenty to thirty acres. One acre of rice-land is reckoned equal to three acres, and one acre of garden land to five, of *dry*-crop

(2) every occupancy having already separate recognition and entry in the village accounts is separately treated, unless it is less than one acre in dry-crop land

(3) in all cases Inám and Government land, if in one holding are made into separate numbers

(4) all Inám lands, in one old number but held by

[1] The ordinary village map can not always shew the subordinate holdings, which may be as small as 40th of an acre. In such cases, the small demarcated portions are shown on a larger scale plotted on separate sheets attached to the village Register By the Code Section 3 (No. 6) survey-number means a portion of land of which the area and other particulars are separately entered under an indicative number in the survey records and includes a recognized share of a survey number No. 7 goes on to state that a recognized share is any subdivision of the survey-number which is separately assessed and registered.

separately recognized and independent holders are made into separate numbers[1]

(5) remeasurement is to be made to ascertain the area now really under irrigation

(6) the large blocks originally constituted for waste are now to be divided into convenient units

Remeasurement is often carried out on the partial system, i.e. is deferred till the time when it is actually a matter of practical necessity to make the subdivision of numbers on the above principle the extent of the work depends on the sufficiency or otherwise of the previous survey in any particular district, and it may be needed to be a complete process. Re-classification of soil is also done where needed.

In the densely populated country about Satára all the best land had already been surveyed into blocks about six or seven acres, because the holdings were small and land valuable. The above principles would, therefore, be easily applicable.

In the Konkán the survey had also already been made with small survey-numbers. As regards the rich rice and garden lands in the valleys below the hill ranges, the survey number was sometimes as small as one acre In most parts, however the wooded slopes above were only surveyed in larger numbers and this necessitated a revision-survey of these lands on a smaller unit. In Kánara, the original survey was recently completed here every actual holding is treated as a survey number unless it is very small indeed[2]

[1] Inám numbers are not always revenue-free they may have to pay a jodi which is not far perhaps, from a full assessment. Government land means that which pays revenue to Government.

[2] See Colonel Anderson's letter No. 045, of 7th October 1880, which gives an excellent idea of the original survey system as compared with what was required in completing the last of the initial survey or on revision survey

Colonel Anderson remarks, generally that a piece of land actually demarcated and given a separate number in the map and in the register has, pro tanto a higher value in the market than a landholding not so completely defined.

§ 7 *The case of Co-occupancy*

It is often the case that a plot is held by two or more occupants, each of whom has a separate account and pays his quota of land-revenue separately and yet the land may not have been formally partitioned, so as to become separately demarcated Then the entire occupancy is shown in one survey number and each co-occupant's share is *recorded* as a recognized share of the survey number together with the proportion (reckoned in annas) which such share bears to the whole survey number and the Rule 55 assessment of such share. And it may here be mentioned Rule 99. that in other cases, any co-occupant may apply to the Collector or to the Survey Officer (as the case may be) to have his name entered along with the registered occupant, as also his share, expressed in fractional parts of a rupee. But the entry does not amount to a separate assessment of the share it will not affect the liability of the registered occupant to Government (or co-sharers as amongst themselves) for the land revenue of the number nor will it make the share so recorded a recognized share in the sense above explained[1]

§ 8 *Village- and Field Boundaries.*

Rev Code sec 118. The Bombay survey is just as much concerned with the village-boundaries as the North Western Provinces survey is. If the village-boundary is not ascertained it is clear that the boundaries of the fields lying along the margin would not be correct. Moreover the accounts are made out village by village, and there are also questions of jurisdiction which require the indication of village-boundaries.

The maps therefore, lay down the village-boundary as well as the internal division into survey numbers and

[1] See Rule 99 (Rules made under section 214 of the Code) as amended by Notification, No 5546, dated 8th July 1885, *Bombay Government Gazette* 1885, pp. 667-8.

subordinate plots. Boundary-disputes are settled by agreement, or by reference to arbitration, or by summary order of the survey officer subject to an appeal.

The field boundaries are also laid down, if there is no dispute, on the assertion of the occupant, attested by the village officers. If there is a dispute, the survey officer takes evidence and decides. Arbitration may be resorted to by consent of both parties.

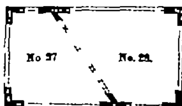
If a dispute arises after the survey the Collector decides.

It is of the greatest importance that the boundaries of fields, once fixed, should be permanently demarcated and the marks well maintained. The Superintendent of Survey is empowered to determine the size and material of the marks[1] The plan usually adopted is to make short earthen ridges or set up stones at the corners of the field, the stones or banks pointing in the direction of the boundary line.

In Bombay as in the Berár Settlement rules, the order was that, with a view to connect one mark with the other a strip of land should be left unploughed and as this soon gets covered with grass, palm-bushes and so forth, it becomes impossible to mistake the boundary[2]

Strict rules are in force under the Bombay system for the periodical inspection of the field marks, and the Code gives ample powers for their maintenance. These will be alluded to under the head of Revenue Business. It is obvious that the entire preservation of the results of the survey depends on the keeping up of the boundary marks. Chap

[1] Which vary according to climate and locality The bándh or earthen ridge has been generally adopted in the Dakhan since 1840. But in some climates earthen ridges are washed away; stones have also their disadvantages. The method of corner marking will be understood from the sketch.



[2] See Berár Settlement Rules, XXIV V

§ 9 *The Survey Maps.*

The field-survey results in a map on a scale of eight inches to the mile. Great pains are taken in constructing the maps.

In all the later surveys the Great Trigonometrical triangulation has been taken as the basis, and the system of village traversing has been adopted, so that the maps have a topographical as well as a revenue value.

The survey work is afterwards combined into reduced tálukå and district maps, which are furnished by the department, as well as the large-scale field to-field maps.

Section III.—The Assessment

§ 1 *Classification of Soil.*

Rev Code, sec 45

All land, whether applied to agricultural or other purposes [1] and wherever situate, is liable to the payment of land revenue to Government according to the rules of the Code, unless expressly exempted.

While the survey is done by the proper establishment, a separate staff of classers examine the soil of every field and place it in a certain class in the following manner —

The classes and soils actually described, apply only to the above Ghât districts of the Dakhan [2] but the principle of classification is the same for other districts only the detail of the rules differs according to local circumstances.

The classer deals separately with—

(1) Unirrigated or Jiráyat land [3]

[1] I have not in this chapter taken any notice of the assessments of sites in towns, &c. Chap. X of the Code must be consulted, if necessary by the student for himself.

[2] The student will recollect the local division of Bombay territories already given viz. (1) the Gujarát districts (Surat, Broach, Kaira Ahmadábád, and the Pánch Maháls); (2) Khándesh and the Dakhan, including Násik, Poona Ahmadnagar, Satára, and Sholapur; (3) the South Maráthá country or Belgaum, Bijapur and Dhárwár; (4) the Konkán (comprising the below Ghát districts—Thána, Koliba, and Ratnagiri) and North Kánara.

[3] This word is the Maráthí corruption of the Arabic zirá'at = cultivation.

(2) Rice-land.

(3) Garden land, called bághâyat (begayet), which is motásthal, if watered from wells the water being raised by buckets and pátásthal, if from tanks or dams, the water being brought on by small water-courses [1]

Rice-land grows nothing but rice, though some garden land may grow rice also

Rice-land may be entirely irrigated by rain flooding or by artificial means.

Commencing then with jiráyat (always taking the Dak han rules as an example), it was found by experience that soils could be graded into three orders —(1) fine, uniform black (2) coarser red (3) barad, or light soil.

Three feet (or 1¾ cubits) is the maximum depth of soil which it is of any importance, on agricultural grounds, to consider within that limit however the value of each soil varies with its depth and the gradations are fixed from 1¾ cubits to ¼ of a cubit, with less than which, land of any kind is not culturable at all.

The soil of each order will thus require seven classes— 1¾ 1½ 1¼ 1 ¾ ½ and ¼ but as soils of ½ and ¼ cubit depth in the poorest order are lower valued than any others, two additional classes were made and for some years past a tenth class has been recognized, to be used for the poorest soil of all.

The best class in the highest order is *relatively* valued as *one whole*, or 16 annas in the rupee the second at 14 and so on, and the lowest at 4½ annas [2] The best class in the second order is valued at 14 annas, and so on, down to the lowest at 3 annas. The best soil of the third class rarely or never exceeds 1 cubit in depth,

[1] Whence the name. Mot is a large bucket, pát is a raised watercourse.

[2] It may be necessary to remind the student unfamiliar with Bombay that these numbers have nothing to do with an actual money rate for assessment. They are relative numbers only If, for example, the actual highest rate fixed for first class soil was R 3 an acre the 16-annas land would pay R 3, the 12-annas land ¾ths of R 3, or R 4, and so on. We shall speak f the determination of actual rates, later on.

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so that the highest class is valued at 6 annas and the lowest at 2

This will appear from the following table —

Class.	Relative value.	First order, black.	Second order, red.	Third order, light.
	Annas.	Depth in cubits.	Depth in cubits.	Depth in cubits.
1	16	1¾	..	..
2	14	1½	1¾	..
3	12	1¼	1½	
4	10	1	1¼	
5	8	¾	1	...
6	6	½	¾	1
7	4½	¼	½	¾
8	3		¼	½
9	2			¼
10	1			⅛ (very poor)

§ 2. *Accidents affecting Soils.*

Then, besides each order of soil being placed in a particular class *according to depth*, there are *accidental circumstances* which, again, depreciate the value. These have been found in practice to be seven in number and are indicated by conventional signs.

1 Admixture of nodules of limestone	
2. Admixture of sand	V
3. Sloping surface	/
4. Want of cohesion among the constituent particles of the soil	×
5. Impermeability to water	Λ
6. Exposure to scouring from flow of water in the rainy season	~
7 Excessive moisture from surface springs	▭

Each of these accidents is held to lower any soil by one class, and if it occurs in excess by two classes

§ 3. *Method of Recording Class and Relative Value of Land.*

The classer now makes a sketch of the field on a piece of paper and, after studying the ground, he determines to divide the area into a number of compartments of equal size this is accurate enough for all practical purposes. The number is fixed with reference to local orders according to the variability of the soil. In size, the average is from one or two acres each. It is a general rule that, however small the field or survey number may be, at least two compartments are to be made. Here, for instance, is such a sketch [1]—

Comp^t 1		3	4
7 ¾	4 ¾ ^^ ~~	¾ =	¾
6 1	5 1	4 1¾ ∧	3 1¾ ∧/
Comp^t 5	6	7	8

Beginning at the lower left hand corner of each square, the dots indicate the order of soil, *one* being the best (fine black), *two* being the *red*, and *three* the poor *light* soil. The numbers 1 ¾ &c., just above, mean the depth in cubits.

Now let us take the first compartment. The soil is light or barad (three dots), and being ¾ of a cubit deep by reference to the above table, it is in the seventh class hence the class of this is marked 7 in the upper corner

The No. (2) is of the first order and is 1¾ cubits deep so that it would have been in the first class, but it has some accidental defects. It is impervious to water (∧) in a double degree,—the mark is repeated twice and it is also liable to be swept over by drainage-water (~~) hence, as

[1] Th figures are imaginary and in nature the compartments would not all differ so entirely; still, in the Dakhan, the soil is exceedingly variable, nd variations from class 1 to class 9, or even o, may occur in one field perhaps of no larger extent than five acres.

each defect lowers in one class, it has to come down from the first to the fourth class, and the figure 4 is entered.

In the same way we find the whole eight compartments of the sketch give—

Annas.

1	=	3rd	order	7th	class	=	4½	Total 76 annas giving $\left(\frac{76}{8}\right)$ an average of 9 annas 6 pie (mean value) for the whole field. As regards soil, then, this field will bear— $\frac{9\frac{1}{2}}{16}$ of the maximum or full rate of assessment, whatever it be.
2	=	1st	"	4th	"	=	10	
3	=	1st	"	3rd	"	=	12	
4	=	1st	"	2nd	"	=	14	
5	=	3rd	"	6th	"	=	6	
6	=	2nd	"	5th	"	=	8	
7	=	2nd	"	4th	"	=	10	
8	=	1st	"	3rd	"	=	12	

§ 4. *Garden and Irrigated Lands.*

Irrigated lands have to be classified in this way *as regards their soil in its natural unirrigated aspect*; but they require further examination to test the effect of the well or other means of irrigation which may be already in existence; for this may result in their being assessed with an addition over and above the unirrigated rate; and the addition will be the full or maximum, or a part only, according to the character and value of the means of irrigation.

The area of *garden land* or *irrigated land* is separately measured, for it may be that in one survey number part is irrigated and part unirrigated. Tables can be made out showing the different values to be assigned to wells according to the supply of water in the well, the depth, quality of water, sufficiency of extra land around the well, to allow a rotation of wet and dry crops, and the distance of the garden from the village—which affects the cost of manuring.[1]

[1] It should be remembered that we are speaking of the original Settlement of lands, and not of the question of subsequent improvements by sinking new wells—on which no assessment is directly placed; on this subject we shall have to remark later. As a general principle of course—and apart from the question just stated—the fact that land is irrigable or irrigated, is a fact which must enter into the question of assessment. As the Government remarked—"The capability of land depends as much on the facility for irrigation, as it does on the ... depth and other qualities of the soil. The principle, therefore, on which garden and irrigated land is assessed at higher rates than dry crop land, is one which must be admitted generally

It is obvious that the rate to be added to the soil-class-value may be applied to the whole acreage of the field, or to part only if the irrigation does not cover the whole, a fair number of acres is calculated which it is estimated the well waters this number depends on the capacity and water-supply of the well. The rate can also be adopted at its full figure, or be reduced by the consideration that the well is very deep that the water is brackish, or that it is

And as the *Joint Report* says—
Irrigation greatly augments the productive powers of soil, and whenever there is a command of water for this purpose, t becomes a very important element in fixing the assessment of the land. See Resolution No. 6015, dated 25th July 1884, in the Report on the Jhalod Táluká (Pánch Maháls). The following paragraphs from the *Joint Report*, further explain the question of assessing land irrigated from wells.

Of these elements, the supply of water in the well is of most importance, and should be determined by an examination of the well, and inquiries of the villagers, in addition to a consideration of the nature of the crops grown, and the extent of land under irrigation. This is the most difficult and uncertain operation connected with the valuation of the garden (especially in the case f wells which have fallen into disuse and, therefore that t which attention should be particularly directed in testing the estimate of the classer and fixing the assessment of the garden. The remaining lements dmit of being determined with accuracy

In deducing the relative alues of gardens from consideration of all these elements, which should be separately recorded by the classer it would greatly facilitate the operations were the extent of land watered always in proportion t the supply of water in the well But it is not so, as n many instances the extent capable of being watered is limited by the dimensions of the field in which the well is situated, or the portion of it at a sufficiently low level; and in others, supposing the capacity of the well t be the same, and the land under it abundant, the surface watered will be more or less extensive, as the cultivator finds it advantageous to grow the superior products which require little space, but constant irrigation, or the inferior garden crops, which occupy a more extended surface, but require comparatively littl water

Wherever the extent of land capable of being watered is not limited by the dimensions of the field, the most convenient method of determining the portion of it to be assessed as garden land, is to allot a certain number f acres to the well in proportion to its capacity By this means the most important element of all is disposed of, and our attention in fixing the rate per acre restricted t a consideration of the remaining elements which are of a more definite nature.

The relative importance of these elements varies so much in different parts f the country that we find ourselves unable after careful examination of the subject, t frame rule for determining the value to be attached to each, and the consequ nt effect it should have upon the rate of assessment under all the circumstances. It must be left to the judgment of the superintending officer t determine the weight t be assigned to each circumstance affecting the value of garden-land, and this determined, it will be easy t form tables or rules for deducing from these the relative values of garden-land under every variety of circumstance.

far away from the village, so that the profit of irrigation is reduced by the difficulty of getting manure, which is the complement of garden cultivation.

§ 5. *Classification of Rice Lands.*

Rice-land[1] requires special rates, even when not artificially irrigated, because it is different in character from ordinary jiráyat land, or from garden land. I understand that rice-land is not treated like dry land with an addition for the water but is classified on a scale of its own.

§ 6. *Assessment Rates.*

When the classer has classified the dry soil according to its nature, and prepared tables showing the requisite facts regarding the irrigation of bághâyat land, and has classified the rice-lands, the Superintendent of Survey as assessor has now to adopt actual assessment rates.

He has to ascertain—

(1) The full or sixteen-anna rate for dry cultivation,

[1] On this subject the *Joint Report* states as follows:—

In rice, as in other irrigated lands, the chief points to be considered are the supply of water, the nature of the soil, and facilities for manuring. The supply of water is often wholly, and always to a great extent, dependent on the ordinary rains. In some parts of the country to guard against the effects of intervals of dry weather occurring in the rainy season, small tanks are formed from which the rice may be irrigated for a limited period. In estimating the supply of water there are two distinct circumstances, therefore, to be considered, viz. the inherent moisture resulting from the position of the field, and the extraneous aid derived from tanks or from channels cut to divert the water from the upper slopes into the rice grounds below. The weight to be given to each of these elements, in the classification of the supply of water depends so much upon local peculiarities, that we feel it impossible to frame a system of universal application; and consequently the determination of this point must be left to the judgment of the superintending officer. All that we can do is to indicate the principles according to which, as we conceive, the operation should proceed.

The classification of the soil should be effected by a system similar in principle to that already described, though modified in details to meet the peculiarities of different districts. But the circumstances of the rice countries to which our operations have yet extended appear to vary so much, that we have not been able to agree upon any detailed rules for the classification that would be suitable to all.

The facilities for manuring rice-lands will be determined, as in the case of dry-crop soils, by distance from village, ... the locality from which manure is procurable.

and for other lands, considered in their unirrigated aspect

(2) the addition he will make to form suitable irrigated rates

(3) the rate he will adopt for rice-land.

In calculating rates, no attempt is made to represent in money a given fraction of the produce, or to take a certain fraction of assets. The basis of calculation is in fact the existing or former rates considered with reference to altered circumstances, the rise or fall of prices, improvement in population, means of transport, and other advantages. There has never been any attempt, as (in theory) is the rule in Madras to fix, first, an average gross produce, and then an average cost of cultivation, by deducting which a net produce for each class of land is arrived at nor is it attempted, further to value a given percentage of net produce in money after ascertaining fair commutation prices.

In this matter the Bombay system is different. As Mr Pedder remarks [1] —

> The Bombay method is avowedly an empirical one. When a tract (usually a táluká or subdivision of a district) comes under Settlement its revenue history for the preceding thirty or more years is carefully ascertained and tabulated in figured statements and diagrams. These show in juxtaposition, for each year of the series, the amount and incidence of the assessment the remissions or arrears the ease or difficulty with which the revenue was realised the rainfall and nature of the seasons the harvest prices the extension or decrease of cultivation, and how these particulars are influenced by each other; the effect of any public improvements, such as roads, railways, or canals and markets on the tract, or on parts of it, is estimated the prices for which land is sold, or the rents for which it is let, are ascertained. Upon a consi-

[1] Journal, Society of Arts, Vol. XXXI (April, 1883) p. 544. It should be remembered, however that even in Madras the grain assessment and commutation price theory is, in practice, mostly used for purposes of comparison and check. The revenue is really fixed by other considerations, e.g. by comparing former rates, and those prevalent in similarly-situated districts, &c.

deration of all these data the total Settlement-assessment is determined. That amount is then apportioned pretty much in the same way on the different villages, and the total assessment of each village is then distributed over its assessable fields in accordance with the classification which has determined their *relative* values in point of soil, water-supply and situation.

The Revenue Officers from time to time make experiments as to outturn of crops, and the assessor makes use of them as checks—seeing how at known prices, they would afford a proper margin of profit after paying the proposed revenue-rate but that is the only use of such experiments.

§ 7 *Further Details.*

The assessor then unites the villages into groups, very much as is done in Madras and elsewhere that is to say he takes certain tracts of country which, having similar advantages, he considers can bear uniform rates. It is obvious that in Bombay as in every other province, two villages may possess exactly similar soils, and on a soil classification only would pay the same rates yet one village may be very favourably situated as regards market communications, &c., and the other be remote and inaccessible. Some may be in a climate where the rainfall is regular others in places subject to irregularity Rates then could not fairly be the same in both. Accordingly the Assessing Officer fixes maximum rates for each group, which represent its full or sixteen-anna rate. On this subject the *Joint Report* may be quoted:—

It now remains for us to point out what we deem to be the best mode of fixing the absolute amount of assessment to be so distributed. The first question for consideration is the extent of territory for which a uniform standard of assessment should be fixed. This will depend upon the influences we admit into consideration with a view to determine the point. Among the most important of these influences may be ranked climate position with respect to markets, agricultural skill, and the actual condition of the cultivators. The first of these may be considered permanent; the second and third less

so and the fourth, in a great measure, temporary And as our Settlements are intended to be of considerable duration, there is an obvious advantage in regulating the assessment by considerations of a permanent character or at least such as are not likely to undergo any very material change during the term of years (generally thirty) for which it is to endure.

In determining, then, upon the extent of country to be assessed at uniform rates, we are of opinion that the more permanent distinctions of climate markets, and husbandry should receive our chief attention. We should not think of imposing different rates of assessment on a tract of country similarly situated in respect of these three points, in consequence of the actual condition of the cultivators varying in different parts of it.

Each collectorate being divided into districts (tálukás)[1], of which the management and records are distinct, it is an obvious advantage to consider the assessment of each of those divisions separately And were the points bearing on the distribution of the Government demand alike in all parts of any such division, one standard of assessment would be suitable for the whole. But this is seldom the case and there is usually such marked distinction between different portions of the same district, as to require the assessment to be regulated with reference to these. The first question, then, in proceeding to the assessment of a district, is to ascertain whether such distinctions exist, and to define the limits over which they prevail. This, however will seldom be a task of much difficulty or involving any very minute investigation as marked differences only calling for an alteration in the rates of assessment, require notice and within the limits of a single district three to four classes of villages would generally be found ample for this purpose.

The relative values of the fields of each village having been determined from the classification of soils the command of water for irrigation, or other extrinsic circumstances, and the villages of a district arranged into groups, according to their respective advantages of climate, markets, &c. it only remains, in order to complete the Settlement, to fix the absolute amount of assessment to be levied from the whole.

The determination of this point is, perhaps, the most im-

[1] Or, as we should say, each district is divided into subdivisions or tálukás. It will be observed that in this extract district = táluká.

deration of all these data the total Settlement-assessment is determined. That amount is then apportioned pretty much in the same way on the different villages, and the total assessment of each village is then distributed over its assessable fields in accordance with the classification which has determined their *relative* values in point of soil, water-supply, and situation.

The Revenue Officers from time to time make experiments as to outturn of crops and the assessor makes use of them as checks—seeing how at known prices, they would afford a proper margin of profit after paying the proposed revenue-rate but that is the only use of such experiments.

§ 7 *Further Details.*

The assessor then unites the villages into groups, very much as is done in Madras and elsewhere that is to say he takes certain tracts of country which, having similar advantages, he considers can bear uniform rates It is obvious that in Bombay as in every other province, two villages may possess exactly similar soils, and on a soil classification only would pay the same rates yet one village may be very favourably situated as regards market communications, &c., and the other be remote and inaccessible. Some may be in a climate where the rainfall is regular others in places subject to irregularity Rates then could not fairly be the same in both. Accordingly the Assessing Officer fixes maximum rates for each group, which represent its full or sixteen-anna rate. On this subject the *Joint Report* may be quoted —

It now remains for us to point out what we deem to be the best mode of fixing the absolute amount of assessment to be so distributed. The first question for consideration is the extent of territory for which a uniform standard of assessment should be fixed. This will depend upon the influences we admit into consideration with a view to determine the point. Among the most important of these influences may be ranked climate, position with respect to markets, agricultural skill, and the actual condition of the cultivators. The first of these may be considered permanent; the second and third less

so and the fourth, in a great measure, temporary And as our Settlements are intended to be of considerable duration, there is an obvious advantage in regulating the assessment by considerations of a permanent character or at least such as are not likely to undergo any very material change during the term of years (generally thirty) for which it is to endure.

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The determination of this point is, perhaps, the [illegible]

[1] Or, as we should say, each district is divided into subdivisions or tálukás. It will be seen in this extract [illegible]

portant and difficult operation connected with the survey, and requires, beyond all others, the exercise of great judgment and discrimination on the part of the officer on whom it devolves. The first requisite is to obtain a clear understanding of the nature and effects of our past management of the district, which will be best arrived at by an examination and comparison of the annual revenue Settlements of as many previous years as trustworthy data may be procurable for and from local inquiries of the people during the progress of the survey The information collected on the subject of past revenue Settlements should be so arranged as to enable us to trace with facility the mutual influence upon each other of the assessments, the collections, and the cultivation.

This, in our opinion, can best be done by the aid of diagrams, constructed so as to exhibit, in contiguous columns, by linear proportions, the amount and fluctuations of the assessment, collections, and cultivation, for each of the years to which they relate, so as to convey to the mind clear and definite conceptions of the subject, such as it is scarcely possible to obtain from figured statements, even after the most laborious and attentive study The information to be embodied in the diagram best suited for our purpose should be restricted to the land of the district subject to the full assessment the extent of this cultivated in each year the assessment on the same, and the portion of the assessment actually realized.

Furthermore, to assist in tracing the causes to which the prosperity or decline of villages, or tracts containing several villages are to be attributed, independent statements of the annual revenue Settlements of each village should be prepared and from those again, a general statement for the whole district, or any portion of it should be framed, and its accuracy tested by a comparison with the general accounts of the tálukà, and from the returns so prepared and corrected; the diagrams should finally be constructed. The nature and amount of the various items of land revenue and haqs (holdings revenue-free or at reduced rates) excluded from the diagram, should be separately noted, and taken into account in considering the financial results of the proposed assessment.

And, finally with the view of affording the fullest information on this important subject, detailed figured statements should be furnished, exhibiting the source and amount of every

of revenue hitherto d ... from ...
her Government or alienated ...
villages for which an a...
he information thus collected ...
ned by local inquiries in the ...
generally enable us to trace the ...
at condition and a knowledge ...
on of the capabilities of the ...
s neighbourhood, will lead t...
rding the amount of assessment to be ...
But instead of a particular sum at which ...
assessed, it amounts to the same th... ...
ent, to determine the rates to be im...
riptions of soil and culture contai...
o produce the amount in question. ...
requisite to fix the maximum rates for the ...
ptions of cultivation when, of course all the ...
be at once deducible from the relative val...
tion scales.

It should be noted that, besides variations ...
ouping there may be differences resulting from ...
thin the village. Lands may be precisely the ...
ality and yet those nearer the village (where ...
be had), and nearer a well or other water-supply, ...
able to pay more than those more distant.

Mr Rogers remarks that in the village ...
ted regarding each field, how far it is from the village ...
e, and from water.

Rates may also be modified with reference to the natural
gricultural capabilities of the different cultivating ...
r classes holding the land.

§ 8. *Example of Assessment Rates.*

To illustrate the result of rate-calculation I may in
tance that, on looking through the assessment report of the
Indápur táluká of Poona, already alluded to we find that
general maximum *jirâyat* rate of one rupee per acre
was taken as fair; but Indápur itself had a very good
market for its produce, so the rate (in a group round the

town) was raised to R. 1-2. Then, in parts of the tâlukâ, certain groups of villages were badly off as regards communication, and still more so as regards the climate, in steadiness of the rainfall average, so these were grouped into tracts for which the rates were fourteen annas, or even twelve annas. In other places there was a fertilizing over flow of the river which bounds the tâlukâ, and this so improved the conditions of agriculture rendering them comparatively independent of rainfall, that a special increase on the maximum dry-crop rate was imposed on those lands that directly benefited by the overflow. (This, it will be observed, was a question of natural advantage, not of artificial irrigation.) The actual rate R. 1 or R. 1-2, was arrived at by a study of the rates previously paid, and whether easily so or not, and whether under the greatly improved condition of things, increase of culturable area, rise in prices, increase in population, cattle and carts rates[1] could be fixed higher or not.

§ 9. *Application of the Rates*

The standard rates being fixed, the classer's data can now be brought to bear. For example, taking the rates of the last paragraph—fields of the group where the maximum is R. 1-2, and shown in the classer's list as belonging to the sixteen-anna class would pay R. 1-2, the fourteen-anna class R. 1 and so on; those that were in the two-anna class would pay one-eighth of R. 1-2 or two as. three p.e. Fields that were irrigated by wells would have certain rates added on to represent the well, the rate being applied to the number of acres considered to be irrigated, the addition, moreover being the full rate, or something less, according to the scale made out on the basis of the facts regarding irrigation, and the nature and efficiency of the means of applying it.

[1] For example, in Indápur the making of roads and the introduction of carts which had before been almost unknown, made the people much better off, and a much larger return was obtained from agriculture.

Rice-land would be similarly dealt with in its own classification, as regards the rates.

§ 10. *Rules in other parts of the Presidency*

The rules described were devised for the Dakhan districts but though the details differ the principle is the same in other parts of the Presidency. In the Konkan, for example the rainfall is so abundant that soil-depth is of no consequence but everywhere the rules lay down the observance of well known classes of soil having different productive capabilities, both with water and without the separate classification of rice-lands the grouping of villages for assessment purposes and the same general method for calculating rates.

§ 11 *Method of Working*

The work of soil-classification is very rapidly done and so accurately that test classifications do not differ by more than six or seven pies in a maximum valuation of one rupee. The classification will not take more than twenty to twenty five minutes for a twenty-acre field, and seven or eight fields will be done in a day by a classer of whom thirteen or fourteen form the establishment of one Assistant Superintendent. The establishment will get over 45,000 to 50 000 acres of plain country in a month. The Assistant Superintendent tests from 5 to 15 per cent. himself by doing the work over without reference to what has been recorded by the native classer and it is surprising how small the corrections are as a rule.

It will be observed that under the Bombay system, no less than any other the fixing of actual rates is a matter for the Settlement Officer or assessor; it is dependent on a consideration of circumstances, on wise calculation, knowledge, and experience; but when once the general rates are determined, they are applied to each field by an arithmetical process, resulting from the classer's fractional valuation of each.

The whole assessment is not made by rule of thumb, as

is sometimes supposed; it is a matter of estimate after careful study of the locality as well as of tabulated statistics by experienced men, as it must be under all systems; where the system of precision comes in is, that, given the maximum or standard rates determined on, the considerations described for the group the application of those rates, in full or in the appropriate fraction, is a matter of exact calculation each field has a *relative* value (so many annas out of sixteen), fixed according to rules of classification, and the application of the rate to the field is a matter of arithmetic.

The value of the system consists in this, that the soil-classification (dry and rice-land) and record of facts about the water-supply can be so easily and satisfactorily checked, and that great experience is gained by the trained staff who are constantly employed as classers No system can dispense with the assessor's (as distinct from the classer's) personal judgment, or exclude altogether an element of estimate or intuition but this system leaves as little as possible to such judgment, and when the rate is determined, applies it by uniform and exact methods to each field.

§ 12. *Settlement of Alienated Lands.*

Alienated lands (as they are called in Bombay[1]), that is, grants, revenue-free or partly revenue-free (on a jodi or quit-rent, as it is called) are not, as an entire class, assessed. But the Code gives power to survey the villages as regards their boundaries, and to settle disputes regarding those boundaries. There may be whole estates, or a tract of land of considerable size, alienated and there may be merely alienated fields or groups of fields in the midst of Government, i.e. revenue-paying, lands or possibly Government may have a share in alienated lands. In the former case Government would ordinarily not interfere; the grantee would make his own arrangements with the occupants, who in fact, pay revenue to him instead of

[1] I shall consider this term at a later stage under the head of Tenures.

to Government. In some cases, however the inámdár will request the survey to determine the assessment; and then if he accepts the rates these are binding on him as regards the occupants and Government pays the expense of the survey[1] In the case of single fields held revenue free the land would be assessed like the adjoining fields only the assessment would not be levied or only so far as Government had a share in it. But in such lands the assessment should be known, because the local cess is levied on the basis of a percentage on the revenue.

The only local cess (the one-anna local cess) is charged for special purposes, one-third being devoted to education and two-thirds to district roads.

Lands belonging to the watan of the hereditary village officials (and now held on joint succession by the present occupants as members of a watandári family) were usually charged by the Maráthá Government with a jodi, or quit rent, often sufficiently heavy In all cases *watan* lands are now assessed to a sum sufficient to provide a remuneration for the actual office holder which remuneration is calculated on the basis of a certain percentage of the revenue of the village. Should the full survey-assessment be not sufficient to cover this, the balance is paid by Government.

§ 13. *Area adopted for separate Settlement Operations.*

I before remarked that the Settlement of single tálukás, or even groups of villages less than a táluká, separately is the common practice. It may be partly due to the convenience which such a system offers, when the districts are more or less interlaced with chiefs estates or foreign territory and frequent adjustments of territorial boundary for Government purposes, had to be made. But the chief reason is stated by Colonel Anderson to be, that this plan enables the settling officer to give minute consideration to the tract he is settling and enables the authorities above

[1] See on this subject Handbook, Chap. XXIII. 504. and XXIV 536-540.

him, the better to scrutinize his proposals. A further advantage is that the working of the Settlement on a small area can be watched, and the suitability of rates imposed be judged of before extending their application to a larger area.

SECTION IV.—THE REVISION SETTLEMENTS.

The term of Settlement is thirty years, except in Sindh, where, owing to local circumstances, it has been thought desirable to adopt a period of ten years.[1]

When the period of Settlement comes to an end the land is re-settled. This, in Bombay is always called a Revision Settlement. Owing to the difficulties experienced in early years, the *first* Settlements of all districts were not completed before a great many revision Settlements began to fall due. At the present day all but perhaps one or two of the original Settlements are about to expire, or have already fallen in, and many 'Revisions' have been undertaken. Consequently it is now of more importance to notice the principle on which *revision* is conducted.[2]

§ 1. *Survey and Classification.*

I have already described the principles on which land is divided for survey purposes, and how the later surveys differ from the earlier ones. It is anticipated that, when the few first or original surveys which are still in progress are completed, and when all the subsequent (or present) revisions are finished, there will be no need for any further general survey nor for any general reclassification of soils. It was hardly to be expected that the first surveys could have resulted in such matured or perfect work, that no further classification would be needed: and as a matter of fact the earlier *revisions often consisted in doing the* whole Settlement-survey work over again[3] and some of them have not yet been completed.

[1] Report, p. 30.

[2] See the table of districts in Vol. I. p. 61 where the dates of revision, &c., are given.

[3] For example, the Settlement of Indápur tálukà in the Poona Collectorate, during which rules were devised, and practices estab-

In the Resolution No. 2619 of 26th March, 1884, it is stated that the bulk of the tálukás in the Southern Maráthá districts will not need any further alteration of the classification and valuation of land also the greater part of the Dakhan districts. The power of Government to direct a revaluation of soils will be exercised almost solely in the province of Guzarát, the districts of Thána, Colaba, Khándesh, and Satára, and in these, it is believed a partial survey will suffice.

It has also been determined that when, in Settlements since 1854, portions of survey numbers were left unassessed as unculturable— pot kharáb —either from surface peculiarities, or as containing quarries, pits, tombs, &c., even though such portions should (by increased labour and owing to the increased value of land) have been cultivated, no increase in the assessment will take place in future, by altering the classification, or rather cancelling the deduction or the allowance made in the process of classifying Further the general rule now stands, that where either a classification of soil has been made for a *second* time, or an original classification has been approved as final, it is not again to be altered so as to affect the assessment [1]

It may here be remarked that, with a view of making an end with classification and survey work, any revision operations that are still requisite are not delayed till the old or existing Settlement actually expires. Formerly it was so but—says the Resolution of Government already quoted— if this practice were maintained the operation would be greatly protracted, and the highly skilled survey establishments would be dissipated for want of full time employment.

It has therefore been resolved that the completion of the survey record should be carried out at once, and it is estimated that all field operations of the survey in this Presidency may be completed within a period of eight years [i.e. before 1892].

lished, which were the foundation of all the modern systematic improvements, was itself a revision operation, and under it, the survey and classification were practically done all over again.

[1] See Section 106 of the Code as amended.

These revisions of area—to get once for all a perfect survey and classification of the soil—do not affect the assessments, which remain until the term fixed for their currency expires.

Rev Code s. 106.

§ 2. *Assessment on Revision.*

As to increases of assessment after the expiry of the Settlements at present in force, the important principle has been laid down, that if since a first or original Settlement, a landholder has improved his land himself, or at his own cost, such improvement is not to be taxed by an increased (revision) assessment. This rule, as the Code stood in 1879 was qualified by the condition, that an increase might be taken with reference to any natural advantage, when *the improvement effected from private capital and resources* consisted only in having *created the means of utilising* such advantage. It may be thought that this proviso would, in practice, be correctly understood but a different opinion has prevailed. The desire to remove *any* expression which might affect the minds of cultivators and make them hesitate about expending capital and labour on improvements, has led to the remodelling of clause 107[1] As it at first stood, the clause meant that, supposing a field originally assessed as dry was on revision, discovered to have an abundant supply of sub-soil water—say twenty feet below the surface—the assessment might be increased by reason of this purely natural advantage, before overlooked, but discovered at revision; although the fact that the cultivator had actually sunk wells to utilize this advantage, would *not* be the cause of any increase. In *that* sense I do not understand that the amended section alters anything, except in so

[1] By Bombay Act IV of 1886, the clause now runs: In revising assessments of land-revenue, regard shall be had to the value of land; and in the case of land used for the purposes of agriculture, to the profits of agriculture. Provided that if any improvement has been effected in any land during the currency of any previous Settlement made under this Act, or under Bombay Act I of 1865, by or at the cost of the holder thereof, the increase in the value of such land, or in the profit of cultivating the same, due to the said improvement, shall not be taken into account in fixing the revised assessment thereof.

far as the new proviso to section 106 will prevent any reclassification of soil once finally made.

The Resolution of Government, No. 6682, dated 10th November 1881 provides that where wells existed at the date of the original Settlement, and the lands were assessed at well rates, the revision assessment is limited to the dry rate (but the *maximum* dry rate) applied to the vicinity And where new wells have been constructed subsequent to the first Settlement, the *ordinary* dry-crop rate without addition, is levied. This rule is now general for all districts.

Burkis —which appear to be masonry constructions by which water is drawn from a stream so that it can then by lift, be baled on to lands—are treated as wells. In some places irrigation is effected by a bandhára, which means a dam erected across a stream or nála improvements of this class are governed by the same principle, except that if the water itself is the property of Government, a rate for the use of the water may be charged irrespective of the assessment; and the rules at page 234 of Nairne's *Hand-book* apply

While thus encouraging the expenditure of capital as far as possible, it was not intended to forego the right of the State to its just participation in the natural value of land. Now it is obvious that the existence of an easily available water source below the surface, is just as much a natural element in the value of land, as is the fact that the soil itself is of good quality of sufficient depth, and well placed as regards drainage. Hence while foregoing a rise in the assessment on the ground of new works, the classification (whenever there was opportunity) has been corrected so as to take into consideration the sub-soil water and so make a reasonable increase in the proportionate value of the land[1] before the classification becomes final and unalterable.

[1] See Bombay Resolution, 594 R. 10th August, 1883. See also the interesting S.R., on th Dholká táluká (Ahmadábád) and the orders thereon. Here the addition on account of the water advantage comes to R. 0 10 per acre

In connection with this subject it may be mentioned that, in Guzarát generally there is an easily accessible water bearing substratum which in many places, would render irrigation easy if wells were sunk. In Ahmadábád (Dholká táluká) when water was available within twenty four feet it was taken into consideration (and in exceptional cases to forty five feet) over that it was not considered. Where the water is brackish or otherwise defective, the rate is suitably lowered.

In some cases, with a view of encouraging the people (in the backward parts of the country the Panch Mahâls especially), sanction has been given to the proposal to abandon *all direct taxation of wells* (new or old) and add only a small sum to the dry land rate in recognition of its superior advantage [1]

§ 3 *Amount of Increase.*

Lastly in connection with *revision*, comes the question what rate of enhancement shall be adopted, and whether any (generally applicable) limit can be fixed. This subject has been discussed in principle and with reference to all provinces, in Vol. I. Ch. V (see pp 360 4) here it will be sufficient to repeat that in Bombay the rule laid down for the Dakhan districts has been generally extended the rule is, not to increase the revenue of a *táluká or a group* of villages which shows the same maximum dry-crop rate, beyond 33 per cent. nor should the increase on a *single village* amount to more than 66 per cent. without special explanation and sanction nor should the increase on the *individual holding* exceed 100 per cent.

It has to be borne in mind that hard-and fast rules about *percentages* are apt to work badly while to form a judgment solely on the fact that the increase in any particular case is (absolutely) so much per cent. on the old rate, with out reference to the whole of the facts, is almost certainly to go wrong In some cases a holding has been increased in area by the authorised (or unauthorised) inclusion of

[1] Resolution, No. 2619, 26th March, 1884, § 32.

waste land here of course there ought to be the just increase—no matter what the percentage. So if in an early survey or revision survey there has been an absolute mis classification of soil, the error should in reason be corrected, whatever its effect. If care is taken not to alter more than is necessary to make every allowance for the light assessment of poor soil, and to keep in view the *general* limits of percentages of increase as above indicated, it is not likely any serious error can occur That I think is fairly—though very briefly put—the gist of the existing orders.

§ 4. *Concluding Remarks.*

It is hardly necessary to remark, in conclusion, that the above principles have nothing to do with the increase of assessment where an improvement is made at the *public* expense, as where the making of a Government canal raises the selling value of the land within its reach or where land the produce of which was nearly unsaleable for want of transport, has been brought by a Government railway within reach of a ready market. Here, as was stated in the Government Revenue Despatch No. 246 of 15th April, 1882 (to the Secretary of State) the increased value is fairly considered in the classification rates along with other advantages which are not due to expenditure of capital by the occupant of the land. Here we are not speaking of any charge for the use of water as a commodity supplied from a Government source, but of the increase in the value of land and its consequent revenue assessment. Rev Code sec. 37

There are certain orders, issued in 1874 (which it is not necessary here to detail) as to notifying in a district under Settlement or about to be settled, that irrigation works are about to be completed, or are in a state of progress which may affect the assessment[1]

[1] This notice is only given when the works to which it has reference are actually under construction, or authorized with a fai probability that their benefits will be avail able t an early period in the term of Settlem nt. When works ar merely in contemplation we should consi ler it injudicious t disturb the minds of the cultivators

SECTION V.—THE RECORDS OF SETTLEMENT

The Code is remarkably simple in its provisions on this subject.

The village maps are among the most important records. Accompanying these is the *Settlement Register* showing the area and assessment of each survey number together with the name of the registered occupant of the number.

Code, sec. 108.

The Code leaves it to the Local Government to prescribe such other records as may be necessary. One record is, indeed, expressly mentioned in an earlier section of the Code—a record of all alienated lands—that is, what would be called in Upper India lakhiráj or mu'áfí lands,—lands of which the Government right to revenue has been wholly or within certain limits alienated or granted away.

Sec. 53.

§ 1. *Forms of Record.*

The orders on the subject direct that the records shall be[1]—

I. The village map.
II. The Register of all lands.
III. The Botkhat, or record of each holding: that is, the fields held on each separate interest, or on a separate tenure by a single individual, or by joint body shown as grouped together.

Nos. II and III are in fact, just the *khasra* and *khataunī* of the North Indian Settlements.

Each holder of land gets, at the time of survey, a copy of the details recorded relating to his land. I have not seen any order as to the precise forms of these records, but I presume that the Register is essentially the same as that which is kept up to date as No. I Form, in every village. This Register of land is a very complete one. And as a glance at its columns and arrangement gives at once a certain insight

by a reference t future liabilities connected with works visibly in progress before them. In such cases the enhancement of rates on account of increased value of irrigable land may be deferred to the expiration of the period of guarantee (i. e. to the duration of the existing Settlement) (Despatch last quoted, § 6).

[1] *Hand-book*, p. 141.

into the results of classifying land and surveying it at Settlement, I give[1] the form as now used. It is locally called shetwárpatrak.

Survey number.	Pót number if any.	Government or alienated.	Total area.	Portion unculturable or unassessed.	Holder's name.	Cultivable Land and Assessment.									Amount due for quit-rent (judi).	Assessment of alienated lands after deducting quit-rent.	Record of Alteration of Names.		Remarks.
						Garden.		Dry Crop.		Rice.		Water-rate.	Total.						
						Area.	Assessment.	Area.	Assessment.	Area.	Assessment.		Area.	Assessment.			Particulars of alteration.	Order by whom passed and date.	
1	2	3	4	5	6	7	8	9	0	1	2	13	4	5	6	7	18	19	20

Under column 3 will be shown that the number is Government (i.e. revenue-paying), or service inám, or personal inám, or watan or village-Government-service inám, or village-community-service inám. And it may be that a number will be held (column 6), by several persons thus, (1) Mahádev Govind—

Shares—himself	8 annas.
A. B.	4 annas.
C. D	4 annas.

Column 5 will show whether any portion of the number is wholly or partly pót kharáb i.e. allowed as unculturable, having a tomb on it, &c.

Column 17 is necessary because there may be a local cess to be paid by a percentage on this assessment, though the assessment itself is not realized.

When any *alteration* by death, relinquishment, transfer and so forth occurs, it will be noted in Columns 18 and 19. Remarks (20) show such particulars as that a well is on the land, or the mango trees belong to Government, &c.

At the end is an *abstract* of the area of the village under—

[1] From Hope's *Manual of Revenue Accounts* (3rd ed.).

A. *Land for cultivation.*

(1) Assessed { Government (i.e. revenue-paying) / Inám.

(2) Unassessed (if any).

B. *Land not available for cultivation.*

(1) Unculturable.

Pôt kharab (deductions made for bad bits in numbers,—as part covered by tombs, or by broken ground, &c.)

Rivers and streams.

(2) *Set apart for special purposes.*

Kúran (fuel reserve of bábul trees), Forest Reserves, &c. &c.

(3) *Set apart for public purposes.*

Gáoñthán, or village site.

Burial ground.

Roads.

Railway

Free pasture for village, &c. &c.

I have mentioned this Village Register No. 1 under the head of Survey Records, for so it practically is indeed, formerly it was actually prepared by the Survey and handed over Now it is compiled by the village accountant or kulkarni from the actual Settlement-Survey Records, and verified by the Mámlatdár of the táluká.

§ 2 *Preservation of Original Records.*

The original Survey registers, when complete, are not altered, except to correct clerical errors or mistakes admitted by the parties interested. Mistakes as to a wrong Cod entry of a registered occupant's name by error fraud, or ec. 109, o collusion, may be corrected within two years, even if the parties do not admit it; but all subsequent changes by succession, partition, transfer &c., are not made in the Settlement registers themselves, but in village registers kept up for the purpose.

Thus there are (as in other Provinces) the unaltered

Survey register and maps showing how things were at the time when the Settlement was complete, and subsequent registers showing any changes that have taken place

As the holding of every person is registered, whether it is an entire survey number or some subdivision of it, the record is really as complete a record of right as can be required.

§ 3 *Ascertainment of Rights.*

The Settlement Officer makes the entries according to the actual facts of occupation he does not exercise any judicial function in determining a doubtful title if there is a dispute he will refer the parties to the Civil Court. There being as a matter of principle or general rule, no intermediate landlord between the landholder and the State, there is but little room for those questions of subordinate right and varieties of tenancy which need such careful reservation in North Indian Settlements. In special cases where there are superior rights, as in khoti villages, a record is made of the subordinate rights also, as specially provided by the Khoti Act (Bombay) of 1880. There are also other cases of special tenures such as the taluqdári tenures of Ahmadábád, which are dealt with under a special Act (VI. of 1862).

CHAPTER II

THE LAND-TENURES.

SECTION I.—INTRODUCTORY

§ 1 *History of the Districts.*

THE Bombay Presidency (in this chapter we exclude Sindh) offers a very diversified field for the student of tenures. In so far as the purely modern condition of the *villages* is regarded there might appear to be considerable uniformity but underneath this there are the traces of an eventful and stormy history and many illustrations of the working of those agencies which everywhere in India may be traced in their effect on land tenures

The Northern Province of GUZARÁT, indeed, still remains, owing to its physical and historical features, diversified with examples of several tenures we may there find, side by side, the ordinary village held purely on the raiyatwári tenure, and joint villages, which, though few in number are a still actively surviving institution, known as 'narwá or bhágdárí villages. There are also remains of the chiefships of the Rájput families that once bore sway over Guzarát, some of them much broken up, and now known by the (later) name of taluqdáris. There are also certain tenures which still attest the power of the plundering chiefships of the Maráthá times.

It is otherwise with the DAKHAN districts —those lying between the Narbadá (or Narmadá) river on the north and the sources of the Kistná on the south The early history is here almost wholly traditional It was once a Dravidian country but various successive conquests affected it one

rule giving way to another In the sixth century of our era we find that these districts (or the greater part of them) formed part of the (Hindu) Málwá kingdom under Vikramadityá. The country came permanently under Muhammadan rule (i.e. under the early Delhi emperors) towards the middle of the fourteenth century[1] It subsequently passed under the sway of the independent Dakhan kings known as Báhmanis whose kingdom soon split up into five —till for a brief space the Mughal empire was established by the conquests of Sháh Jahán and Aurangzeb. But in the end the contests of the two Muhammadan powers were suicidal to both, and were the cause of the Dakhan passing under the power of the Maráthás between the middle of the seventeenth and the beginning of the nineteenth century

Under such circumstances, the tenures of the Dakhan must have undergone considerable changes—changes indicated by certain survivals, which are, however sufficiently indefinite to allow room for some difference of opinion as to the inferences to be drawn from them. But at the present day the villages, whatever their form originally are practically on the level of the simple, but convenient and unquestionable, raiyatwári tenure.

In the KONKÁN districts, in the same way the village tenures have also undergone changes the existence in former days of a proprietary class distinct from the tenantry is rendered probable by the use of certain terms and by the surviving privileges of certain classes of cultivators. The Konkán tenures are, however diversified by the existence, in some parts, of an overlord tenure, derived from Moslem and Maráthá revenue-farming and known as that of the Khots, as well as by certain privileged occupancies which arose in connection with former revenue arrangements and with reclamation of salt lands on the sea-coast.

§ 2 *Tenures Classified according to Kind.*

Under such local and historical conditions, it would be equally possible either to treat the tenures according to

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§ 2. *Tenures Classified according to Kind.*

Under such local and historical conditions, it would be equally possible either to treat the tenures according to

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the *locality* of occurrence or to classify them according to their *kind* On the whole, I have preferred to deal with the subject in a classified order We shall thus have to consider—

(i) the village tenure as it now exists, i.e. the non landlord or raiyatwárí form in the Presidency generally

(ii) the survivals of the joint or landlord village (narwá or bhágdárí) in Guzarát

(iii) the cases where double or overlord tenures have been established over the villages, as (chiefly) in the case of the so-called taluqdárís of Ahmadábád, and the Khots of the Konkán

(iv) the history of the alienated lands, i.e lands held under grant of complete or partial freedom from revenue payment, including the service and other watans, which form so interesting a feature of the land administration in Central India and Bombay as well as Madras.

§ 3 *Tenures Grouped by Locality*

If we were however to deal with tenures by localities, we should group them thus —

The Dakhan and the Presidency generally	The survey tenure villages, now consisting of aggregates of unconnected raiyats, with equal rights under the Code. Historical reminiscences of a former joint village surviving in the use of certain terms.
Guzarát	The narwá or bhágdári tenure in certain villages. The overlord or taluqdári tenure. Wántá tenure. Mewási tenure. Mehlki tenure.
North Konkán	Khoti tenures. Shilotri tenures. Izáfat tenures.
South Konkán	Khoti tenures permanent with inferior tenures dhárekari, &c.
Kánara	Tenures the same as those described in the note on Kánara (Madras

§ 4. *Statistics of Tenures.*

It might be supposed from this variety of tenure, that really the area held by overlords or by landlords was very

considerable and that the area which though divided as usual into villages, is held by occupants directly under the State (neither holding in co-parcenary bodies or under a middleman) was of less importance it will be desirable to give a few statistics which will show that the landlord village and other forms of overlord tenure really occupy but a minor portion of the land.

In the published Statistics for 1886–7 unfortunately the villages held in shares (bhágdárí and narwá) are not separated, but the following figures are given —

Tenure.		Number of estates or holdings.	Number of villages.	Area in acres.	Remarks.
Village landholders	Raiyatwárí villages	1,264,238	20,118½	28,473,0 6 (occupied land only)	I have added together those paying at full rates and the much smaller number paying at privileged rates the latter are 213,405, and how far these represent bhágdárs, &c. I have no means of telling
Overlord tenures	Taluqdárí	530½	530½	149,397 (gross area)	
	Mewási	41	41	79,234	
	Udhad jamabandi	23	123	191,830	
	Khot	732½	732½	2,160,517	
	Izáfat	7	7	3608	
Revenue free, i.e. inám and jágír		65½	2 65½	4,483,343	These refer to whole villages or estates, not to revenue privileges on individual fields, & which are included in village land holdings

I omit from notice 9790 acres of land merely held on lease for Government as owner.

Section II.—The Village Tenures.

§ 1 *The Dakhan*

The fact that a great part of the Dakhan was in early historic times peopled by mixed tribes, which afterwards gave rise to the great confederacy of the Maráthá clans, is indicated by the circumstance that it received the special

name of Mahárásthra from the Sanskrit writers moreover, a special dialect (or rather dialect with several varieties) (Maráthí) was developed[1] There can, I think, be very little doubt that originally (so-called) Dravidian tribes must have existed in abundance there must have been Gonds and Mhárs, and doubtless others. At an early date however Aryan or Rájput adventurers from the North must have penetrated the country since it is otherwise impossible to account for the great number and many subdivisions of the Bráhman caste and for the fact that the oldest of the various States or petty kingdoms formed in the South were certainly Hinduized —i.e. had adopted the Brahmanic traditions and forms at an ancient date. In spite of all caste prohibitions it is certain that the Aryan and the Dravidian races everywhere fused rapidly and it is probable that only the highest families kept themselves pure, and called themselves Rájputs. No doubt the upper strata of even the mixed clans would adopt the same designation whenever they came into power or acquired wealth and influence. Such families are known (from instances in many parts of India) to have then professed a greater strictness of life, and to have taken Hindu names and assumed all the attributes of the purer or original Aryan Rájputs, with whom they had really a very secondary connection. The ancient kingdoms of Cherá, Cholá, and Pandyá in the South were ruled by princes thus converted. There can be no reasonable doubt that the Dakhan was anciently held by princes of the same kind long before the Muhammadan conquest[2] How far they were in-

[1] Yule and Burnell give Maharáshtra = great country (in Sanskrit). Others refer it to the Mahár or Mhar tribe once a numerous one which now only survives in the village Mhár—who is a sort of beadle or messenger. The origin of the term now generally used for the Dakhan population is uncertain. The popular Hindi form is Marhattá (commonly written Mahratta); but this is I believe a term of reproach (=plunderer) and is certainly not adopted by the people themselves as a collective name. For this reason I have not used it, but prefer the form Maráthí which I believe to be more correct as a general name.

[2] See, for instance, Tod, vol. II. p. 240, where he speaks of the Rájput princes, holding kingdoms in the South, whose offspring, blending with the original population, produced the mixed race of Mahrattas.

[illegible] which [illegible] is impossible [illegible] witness for [illegible]. It is, however, [illegible] kingdoms [illegible] ruta (whose kingdom [illegible] in the [illegible] century [illegible] Central India and Guzerat [illegible] the eleventh century [illegible] immigration from the Ganges [illegible] and partly to movements of Rajputs [illegible] irruption. These [illegible] which we may call [illegible] the mixed Aryo-Dravidian origin [illegible] Muhammadan Dakhan [illegible] tation of the landlord power in the seventeenth century.[1] Yet they may have given rise (as the kingdoms often do) to landlord families having a hereditary interest in land, which left traces of their existence in the Dakhan villages, traces that still survive in certain terms and names.

But if this is the case (and there can hardly be any doubt of it), it is important [illegible] to take count of the Dravidian form of village as in all probability existing before the landlord families came. It is to be remembered that throughout the Dakhan, the holding of land in virtue of hereditary village office is everywhere known. And this feature is always connected with the old Dravidian form of landholding. Thus in the Dakhan we shall really have one of the many cases in which the landlord village grew up over an earlier form. The Dravidian village still survives in other parts of India, and it is not easy to

[1] Grant Duff ([illegible]), speaking of the time when the Muhammadans first invaded the Dakhan, says:— From that time the Mahrattas were quite lost sight of, and so little attention was paid to them that in the seventeenth century when they started up from their native hills and plains, they were, to other natives, a new and almost unknown race of people. It is [illegible] that [illegible] clan [illegible] long before [illegible] time; and Colonel Sykes ([illegible] whose work [illegible] will presently be made) has no doubt that the old landholding [illegible] by the specially [illegible] the Dakhan, were early [illegible]

name of Maháráshtra from the Sanskrit writers moreover, a special dialect (or rather dialect with several varieties) (Maráthí) was developed[1] There can, I think be very little doubt that originally (so-called) Dravidian tribes must have existed in abundance there must have been Gonds and Mhárs, and doubtless others. At an early date, however Aryan or Rájput adventurers from the North must have penetrated the country since it is otherwise impossible to account for the great number and many subdivisions of the Bráhman caste, and for the fact that the oldest of the various States or petty kingdoms formed in the South were certainly Hinduized —i.e. had adopted the Brahmanic traditions and forms at an ancient date. In spite of all caste prohibitions, it is certain that the Aryan and the Dravidian races everywhere fused rapidly and it is probable that only the highest families kept themselves pure, and called themselves Rájputs. No doubt the upper strata of even the mixed clans would adopt the same designation whenever they came into power or acquired wealth and influence. Such families are known (from instances in many parts of India) to have then professed a greater strictness of life, and to have taken Hindu names and assumed all the attributes of the purer or original Aryan Rájputs, with whom they had really a very second ary connection. The ancient kingdoms of Cherá, Cholá, and Pandyá in the South were ruled by princes thus converted. There can be no reasonable doubt that the Dak han was anciently held by princes of the same kind long before the Muhammadan conquest[2] How far they were in

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terfered with by the *later* series of Rájput movements—which occurred before the first Muhammadan conquests—it is impossible to say there were many wars and struggles witness for example the career of Sáliváhana. It is, however impossible not to believe that native and local kingdoms flourished in the Dakhan long before Vikramaditya (whose kingdom appears in Central India in the sixth century), and long before those Rájput kingdoms of Málwá, Central India, and Guzarát, which were still in existence in the eleventh century and which are traceable partly to immigrations from the Ganges plain and Oudh, and partly to movements of Rájputs when first disturbed by Moslem irruptions. These kingdoms, held by princely houses, which we may call *Maráthá* (as indicating the mixed Aryo-Dravidian origin) passed away long before the Muhammadan Dakhan kingdoms, and the subsequent resuscitation of the Maráthá power in the seventeenth century[1] Yet they may have given rise (as such kingdoms often do) to landlord families having a hereditary interest in land, which left traces of their existence in the Dakhan villages; traces that still survive in certain terms and names.

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suppose that in the ancient Dakhan it was different to what it was elsewhere. In itself it was an essentially raiyatwárí form of village, though distinguished by certain features which are easily lost in the process of time, and by the effect of later revenue-assessments. In the Dravidian village the old founders' families were privileged, not as landlords claiming superiority over the entire area, and holding it afterwards in family shares, but (1) by the right to furnish the hereditary officers of the village, (2) by holding special and valuable lots of land—often the best in the village, and worked for them (probably) by contributions of labour from the ordinary cultivators settled in the neighbourhood. When a conquest occurs, or a foreign rule supervenes, it is very natural that such privileges should be ignored, or at least that the ruler should only conciliate the village headman and accountant by adopting them into the State system, and allowing them to hold their ancient lands in virtue of their office and headship—lands which, in later times, were called the 'watan' or special holding of the ancient 'home'[1]. The village in this state exactly corresponds to the 'raiyatwárí' village as we see it all over Central, Southern, and Western India. If now the descendants of a ruling house, grantees of the king or chief, and others, obtain a footing in such villages, they will under the influence of subsequent defeat or intestinal decay as we know by the evidential illustrations obtainable in Oudh and elsewhere (Vol. I. pp. 131–6), lose the *ruling* position and descend to be landlords. Usually the process commences with one man—perhaps a relation of the chief's, who is granted the 'king's-share' in a village for his sustenance; or a courtier or other influential person is similarly located. At first he interferes very little with the old cultivators or their tenure; but when he dies, and in course of time a numerous body of descendants occupy his place

[1] Watan is an Arabic word, signifying home or nation, and was applied to the land holdings and other privileges left to the old village office-holding families (and on a smaller scale to artisans and menials of the village) by the wisdom of the early Muhammadan rulers.

they all have equal rights and are sharers by inheritance in the estate. Necessity causes them to assume a closer and virtually landlord, connection with the land the pressure of numbers compels them to seize on and to cultivate the adjacent waste, and to annex whatever land they can thus they become (*de facto*) co-sharing owners of the whole village The same thing occurs when a ruling family divides or is broken up by misfortune or conquest. Members of the fallen house manage to cling to fragments of the estate, and afterwards dividing the property and at the same time gradually falling in social position, they remain as groups of peasant landlords in the villages. No student of land tenures in India can, I feel certain, doubt that this process has been one largely in operation, and that it is one of the most important of the factors in producing joint or landlord villages. And there is yet a further stage in the process. In some cases these landlord villages indeed have shown marked stability and continue to our own time they may lose their regular scheme of co-sharing, but still they survive. In others, however they are overborne by the growth of great territorial Taluqdárs and Zamíndárs. In others, again, they simply melt away —Revenue authorities place the landlords and cultivating tenants on an equality heavily assess all alike, and deal with them all directly Unless, then, the landlord class happens to be of especially good agricultural and managing capacity and unless it escapes the fatal defects of internal decay of loss of vigour of indolence or extravagance, it falls out of rank and its once landlord position is only indicated by certain names still given to the lands in its possession.

§ 2. *Attempt to account for the Decay of Old Landlord Claims*

It seems to me that the facts in the Dakhan exactly accord with the process just now sketched. For at any rate history discloses a process of rise and fall of kingdoms and states which here as elsewhere, must have left traces, in the shape of numerous bodies of descendants who

managed to retain village-lands, no longer as rulers, officers or State-lessees but as co-sharing bodies of landlords. The process of decay reached a still further stage when these bodies again lost the exclusive landholding position and their right became a shadowy privilege—merely surviving in certain names or terms, and in faint memories of the past. If we compare the Dakhan villages with what we see in Guzarát, we notice in the latter exactly the same sort of process of rise and subsequent disintegration only that as the Rájput kingdoms were later in time, or at any rate lasted longer disintegration had not gone so far and now has been arrested by the preservative effects of British power and by the recognition of rights (in one form or another) under British land-Settlements. In Guzarát, as we shall see the relics of the Hindu state are more evident; the Rájá or overlord has indeed disappeared before Moslem and Maráthá conquests, but joint villages still survive in what is known to have been the Rájá's demesne and the minor (Rájput) chiefships are still in existence some of them much broken up, and in fact gradually dissolving into mere village landlord estates held by widows, descendants of branches and minor members of the chief's house.

§ 3 *Survivals in the Dakhan*

Whatever may be thought of this reasoning, it was a general feature of the Dakhan villages at the beginning of this century that over large areas there was found a class of cultivators called mirásdár which implies that they are 'hereditary landholders. I think it most probable that they were once members of co-sharing landlord communities. In the same villages another class are called upri' (or upari (Wilson)) which means stranger or coming from another place' and indicates that the cultivator is of an inferior class with no hereditary claim to the land, though he may have been long resident and in possession. The Persian term mirási probably came into use when the Muhammadan Dakhan kings ruled. One of their ministers, Malik Ambar (to whom I have already

alluded), made a revenue Settlement in the seventeenth century In this he seems to have adopted, at any rate partially, a system of village-assessments and encouraged and perhaps restored the mirásidárs But the landholders had a term of their own, thalwáí or thalkari'=shareholder—leaving no doubt as to the nature of the hereditary right implied in mirásí. The villages were in fact, divided into major shares, sthal (=patti or taraf of Upper India)[1] It is evident that the thalwáí (or mirásí) right was long respected. When the original holder had disappeared the holding was known as gat-kul (i e the family (kula) was lost or had disappeared (gata))[2] In the Bombay *Administration Report* for 1882-3 (p 36), it is mentioned that the mirásí right could be acquired by a sort of purchase and on consenting to pay the Government revenue demand[3]

In the end, whether by the uniform pressure of the later Maráthá demand, which took no thought (as far as assessment was concerned) whether the landholder was of this class or that, or whether by the gradual decadence of the old landlord class, the special features of *mirási* holding disappeared. In the first quarter of the present century no such surviving joint-ownership existed as would warrant the village system of revenue management being adopted.

Whether *all* mirásí rights are to be explained in this manner I do not feel certain. When we recollect that there were privileged classes under the Dravidian organization, and that the hereditary right of these, though not

[1] See this detailed in Colonel Sykes papers on Dakhan villages in the *Journal of the Royal Asiatic Society* vol ii p 206, &. The record of th Bombay official inquiry into village tenures, including the Hon Mountstuart Elphinstone minute, and Mr Chaplin notes, was reprinted in the *Selections from the Records of the Bombay Government* (Old Series No. IV I greatly regret that repeated efforts have failed to give me access to the original volume I believe also that the Elphinstone minute is in vol. iii. of the *Bombay Revenue Selections*. I am dependent on the quotations made by H Campbell in the *Gazetteer*

It should be noted that it was held in old times that the mirási right could never be lost A mirásdár might return and reclaim his land within thirty years. The families were also held jointly responsible for the revenue.

Holders of mirási lands may therefore not consist exclusively of descendants of old Maráthá families. Energetic cultivators, both Kunbi and others, may have acquired mirási land by purchase or by taking the burden of the revenue on themselves.

extending to any *share* in the entire area, was certainly a distinct feature, it is always possible that some land holdings may have been called hereditary and yet not be historically connected with a claim of a co-sharing body of landlords.

§ 4. *Konkán Villages*

The Konkán districts (on the coast) were also part of Maháráshtra, and though here the *later* Maráthás employed a *farming agency which gave rise to special tenures*, the original villages also exhibit traces which make it probable, or at least possible, that joint bodies once held them. We shall speak of the khot revenue-farmers separately here we attend to the village-landholders. Only as regards the farmers it is necessary to say that they themselves, in many cases at least, owed their position as much to prescription as to direct lease or grant and they may have been active members of the very class who would have furnished ordinary landlord families to the villages, but who, being put into a special position, developed in a new direction as revenue-farmers. Or they may represent a later race of chiefs and moneyed men who supervened upon those older landholding classes who had once held the landlord position but who had fallen or begun to fall, into decay before the khots came. The subjection of villages to a revenue-farmer armed with large powers, is unfavourable to the preservation of any pre-existing class of landlords already tending to decay The farmer will invariably look askance on local rights which would conflict with the growth of his own family position and influence at the same time he may find it wise to conciliate the old landholding class and allow them certain privileges (in subordination to himself) such old landholders are valuable because of their unwillingness to throw up their ancestral lands, and because they have influence with the cultivating body at large Hence vestiges of old rights may remain under guise of tenant rights. In the North Konkán villages we find a sutí tenure which resembles the mirási [1] The term

[1] I feel doubtful about the etymology of this term. May it be the swásti (corruptly shetí) of Wilson glossary? If so, it may imply

gatkul is also used to describe holdings fr m wh t old landholder has disappeared. And the comm n t tenant is distinguished from the ancestral cla s by t t chikli In the South Konkán the mirá (dár is repre t represented by the dhárekár and dhárá holders a privileged under the Khotí Act, 1880 It is also remark able that we have a class of tenant whose right is heritabl but not necessarily transferable, known as watan lárkul which possibly may imply that the holders were descendan of old founders families who held the watan lands in former days.

§ 5. Kánara District

There were no village groups properly so called in this exceptionally situated district all that has been said about South Kánara in the previous chapter on Madras tenures applies to the district.

§ 6 The Gujarát Villages

It is interesting to notice that while the bulk of the villages in the Gujarát districts exhibit the usual raiyat-wári features, there are a certain number of distinctly joint or landlord villages. It may be at once stated that Mr Pedder considers the present joint-villages to represent the remains of a much larger number He thinks the few that survive, were either able to stand because of their adopting a peculiar method of combining to share the heavy burden of Maráthá revenue-assessments [1] or because of the superior energy of the caste The villages are known as bhág dári (held on shares = bhág), and also narwá (or narvá) dári, i e. hold on a scheme for distributing the burden of the revenue (indicated by the Gujaráti word narwá, which

only the favourable terms n which land was held; it may be connected with sáta = son and refer to the land being inherited.

[1] Pedder (Joint Villages p. 4. It is much to be regretted that w have not y exact st tistics f the castes wh h now hold shares. But very large number are Kun bis—a cast which had exceptional agricultural capacity and he ng adopted the narwá method, wer able to bear up against bad time and survive while others disappeared. Their power to hold lands under exceptional difficulties f high rental, is illustrated in ther parts of India sf for instance, vol. II, p. 247).

is exactly like the bhejbarár of the North West Provinces) Mr Pedder gives the numbers of these villages as—

Kaira (Kherá) district	90
Broach (Bharoch) ,,	244
Ahmadábád	1
Surát ,,	12

The nature of the villages shown in the two latter districts is more or less uncertain in some cases the joint-tenure has disappeared it is doubtful whether the villages really represent landlord villages of the class we are considering [1]

In Kaira the villages are called narwádárí, and are held almost entirely by Kunbís, though shares may here and there have been sold or strangers otherwise admitted. Mr James Campbell [2] mentions that 77 933 acres, paying revenue of R. 405,370—more than one-sixth of the area of Government land and paying one-fourth of the rental —were held by them.

In Broach the villages were called bhágdárí and are clearly pattidárí villages held on ancestral shares, mostly by Musalmán proprietors of the Bohrá (Bohará) class. These were traders. As late as the eighteenth century says Mr Campbell, the sharehold villages were the most numerous and the most prosperous [3] Mr Rogers thinks the Bohrás got a footing as revenue-farmers or perhaps they stood security for the villages. Possibly they may have been grantees under early Muhammadan rule or they may have been converts to Islam from old Rájput clans (as were the Khojás), and as such may represent an old territorial nobility now descended to the rank of peasant-proprietors. They were evidently much depressed by Maráthá rule, and fared best in the territories held by the Nawáb of Broach, who as feudatory to the Maráthá state was allowed

[1] I find no detail about the Ahmadábád shared villages ; they may have been mere fragments of the Mewásí and other chiefs estates and of the same origin. In Súrát there were villages called hundwá- (or hundi) bandi. The term hundwá (Wilson) mean farming for a certain sum ; and such a village may have been one in which a contract for the revenue was accepted in certain shares ; this may or may not have implied a landlord form of tenure Mr Campbell says there were three narwádári villages in Súrát (*Gazetteer* p. 290).

[2] *Gazetteer* (Kaira) p. 105.

[3] *Gazetteer* (Broach), p. 462.

to manage his own country paying only a fixed tribute Out of 284 villages surviving in 1828 129 were found in the Broach subdivision.

The narwá villages of Kaira held by Kunbís may possibly represent a group of lands cultivated on a system of co-operation, still continued by descendants—recalling the Vellálar villages of the Tamil country On the other hand where the villages are held, as Mr Rogers informs us by unmixed families[1] descendants of one ancestor this may be held to point more probably to an original lease or grant of the management of the village to a single person. It is also to be recollected that Kunbís were, or became in corporated among the Maráthá clans Siváji himself was of the Kunbí tribe, and the Rájás of Satárá were of the same stock. It is therefore possible that the Kunbí nar wádárs may represent territorial overlords, as well as agri cultural lessees.

§ 7 *Possible Origin of Guzarát Tenures.*

If we look back to the history of Guzarát we shall find it a somewhat complicated one[2]

The whole northern country was in early days the scene of Gújar immigration, for this tribe gave its name to the province. What connection they had with the early history it is impossible to ascertain for it is to be remembered that large *tribal* names like Gújar and Jat, &c., very often

[1] Narwádárs are invariably Kunbís, and I believe more or less related t each other being descendants of one ancestor and holding their estates hereditarily from the first. Paper n *Journal of the E. I. Association*, above quoted) The whole history f the Kunbís is most i terest ng Regarding S dj my authority is Hunter *Gazetteer* (s. v Bombay Presidency) nd M l-colm i. 95; see Grant Duff, i. The Kunbís are the same as the K rmis of other parts. Mr Hewitt thinks them a mixed race connected with the Aryan Kauravyá or descendants of Kurú (*Journal R. Asiatic Soc.* vol. xxi. new series) Part II. pp. 234–8 and 307). As to the extent of the Kurmi caste n Upper India see Beames *Elliott Glossary*, ol. i. p. 55. It is probable that the Kunbís m y be ethnically connected with th Vellálar agricul turists wh penetrated the South Country It remarkable that the Vellálars of Madras have tradition that they came from the North, and probably n virtue of their Aryan blood? were fairer race than other local tribes in Tamil vella = white, ál = person

[2] See an interesting article by Mr Pedler Early History and legend f G jarát, *Asiatic Quarterly Review*, vol. iii. p. 129 (January 887).

are forgotten, while only *clan* names are remembered which are not so easily recognized as subdivisions of the larger body A portion of this country was anciently called Saurâshtra—the country of the Surás they may have been really of Gújar origin. At one time we hear of the Græco-Bactrian king Menander extending his dominions in this direction. At a later period various Rájput clans (them selves probably mixed races) contended for the mastery in North Bombay and we hear of tribes of Chalukyá, Solankhí and Chawárá as successful.

No less positive evidence of the existence of a Rájput dominion[1] is the fact that Broach, Kaira and part of Ahmadábád formed the khálsa or royal demesne of the Rájá or head chief and that the taluqdáris (as they are now called) in the South West and West tálukás of Ahmadábád, once formed the bháiád or feudal chiefs' estates These still exist, but are rapidly breaking up and on the way to becoming mere village estates held by joint landlords. Káthiáwár (which is not British territory) is also the site of a number of Rájput chiefships also much subdivided. It is not at all surprising therefore that in the districts where the Rájá has disappeared before later conquest, traces of landlord families should survive in joint or shared vil lages. Some of these villages, again, may not be so ancient, but only date back to revenue-farmers of former days.

§ 8. *Nature of the Tenure.*

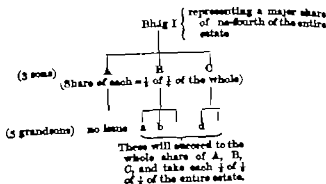
The first question that occurs to us to ask, is whether the terms narwá and bhágdárí point to any real distinction in the constitution of the village bodies? The Reports generally seem to indicate that they do not. The difference is assigned merely to certain methods of assessment of the revenue im

[1] It is also known that Anhilwára and Somnáth were under Rájput princes in the 11th 12th century when invaded by Mahmúd of Ghazni. There is an excellent account of Rájputs in Central India (and it applies also to Guzarát) in Malcolm, ii. p. 103, et seq. The Rájputs most probably came as adventurers from the kingdom of Kanauj and were further reinforced when the Muhammadan conquest of Hindustán began to disturb their northern settlements. Malcolm describes how they mixed with the local population, and how spurious Rájput castes arose (p. 105).

posed when the Muhammadan and afterwards the Maráthá rulers obtained the dominion.

The Bohrá villages consisting of shareholders (bhágdárs), were what the North West Province writers would call pattidári—held on ancestral shares. This is quite natural when their origin can be traced to ancient (or comparatively ancient) revenue-farmers. The fact that now *some* shares are held by other castes, is nothing against the original constitution being as suggested. A list of these (ancestral) shares, termed phalávni (or phalni), is preserved. It was the custom to assess each share separately by bíghotí rates—i.e. money rates chargeable on each bíghá of the separate holdings. These rates were totalled up and gave a lump-sum which represented the entire assessment for which the shareholders were liable. This total was again distributed for payment (not according to the number of bíghás or the rate fixed for them according to their value, but) according to the fractional shares or interests in the village, as shown by the phalávni.

The whole estate might be first divided into motá bhág (the primary division, corresponding to tarf) or it might be divided at once into petá bhág (the patti of Northern India). Thus if the original ancestor had four sons, there would be four bhág representing each a four-anna share of the estate. Each sharer in a bhág is called pátidár. By way of an example, I may take one of four bhágs. It would very possibly be subdivided as follows:—



The share of revenue payable by each, would correspond to the fractional share in the estate.

But in the case of the narwá village, no bighotí assessment was made of each bhág or share, but a lump-sum was levied on the village and then the co-sharers made out a narwá or list of the amount each was to pay which doubtless was made proportionate to the practical value or capability of each share and to the means of the holder This is exactly the plan of the Upper Indian bhejbarár and Mr Campbell speaks of the distribution as being made annually Where the revenue is heavy and the land very various in quality it is obvious that a scheme of this kind presents great advantages it adjusts the load to the capacity of the several holders and does not leave one man with a fixed share of ill-cultivated (and possibly inferior) land to pay the same fraction as the holder of another share which has greater advantages, and possibly is worked by skilful tenants. Such a plan of sharing burdens may be adopted by *any* form of co-parcenary village. In the North West Provinces (Vol. II. p 143) we find it more frequently adopted by those who had divided the land by *customary* not by *ancestral* shares, but it was adopted in ancestrally-shared villages also. So that in itself the distinction does not imply any necessary variety in the village constitution[1]

But it is also natural to ask, was there not some difference which led to the fact that the State officers *did* in some cases, assess in the lump and in others assess the shares separately? In the North Indian villages we are aware of a curious distinction which existed. Some vil

[1] It is to be remembered that the families who adopt ancestral shares are usually descended from one or more chiefs, and are generally proud of their origin and equal rights (among themselves), and so are anxious to preserve if possible the old shares For any system of distributing and adjusting revenue burden is also apt to lead to one man getting more land than another and so destroying the equality If a man is better able to pay he will also ask for more land to make up, and so he becomes a preponderating power in the village If land is all fairly good and the shareholders of fairly equal capacity the shares originally fixed on family or inheritance principles, can often be maintained for long period without any inconvenience

lages were *ancestrally* shared, others were allotted by a *bhaidchárá method* (method of customary sharing) which gave holdings to all who settled in the same village, and made those holdings as equal in value as possible, by various devices of peculiar land measures (see Vol. I. p. 160-3). It may be therefore conjectured that really some such distinction existed in Guzarát[1]

§ 9. *The Narwá Principle.*

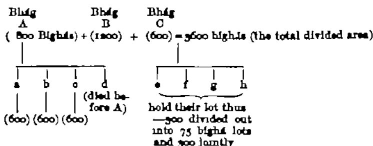
It may however be explained that there seems to have been ample reason for adopting the narwá as a special plan of meeting the Maráthá assessments. Whatever may have been their merits in their own country says Mr Pedder in Guzarát the Maráthás were mere plunderers. Their system was the ruinous one of farming out districts to speculators, who in their turn farmed out single villages to other persons, often unconnected with the village, but who were sometimes the pátels, or some influential cultivator. He goes on to mention the case of one village in which the *jama* was raised, in forty years, from R. 700 to R. 5250!

No doubt many co-sharing bodies would disappear being unable to retain their lands under such burdens. Others would change their rule of sharing.

The narwá was arranged in this way —Suppose that the village consisted of 3600 bighás held in severalty and 1000 held jointly (in the hands of tenants, &c.) The revenue assessed is R. 9000 of which, say R. 1800 is met by the rents of the joint-land and any profits from fruit-trees, waste, or

[1] It is worthy of notice that the Rájput clans in Guzarát seem occasionally to have presented the same democratic features as noticed in Oudh and the North-West Provinces. Some tribes or clans had Rájá and gradation of chiefs others had not but merely consisted of families, the elders of which formed a council for general affairs. It was these latter who most often adopted the bhaiachárá rule. Heeren (*Historical Researches, &c.* Translation, Oxford, 833 vol. I. p. 310) quoting the Portuguese historian Barros, says that the Guzarat Rajputs had a republican constitution; Barros own words are Governão os Resbutos em republ cas, por os mais velhos, repartidos em Senhorias. This refers to the elders forming the head of clan groups. In Pedder (*Jeet Vil lages* p. 4 5) certain local terms are given which suggest to me that there must have been this distinction. For instance the word bhágwari seems to me to be the bhaiachárá bighá, and to refer to the artificial measure of land allotment on the bhaiáchárá method.

other common property that leaves R. 7200 to be made up by distribution over the 3600 bighás held in severalty Vulgar fractions are not understood, so a rude method of calculation is adopted. For simplicity we will suppose the holdings are in 100 bighás or parts and multiples of that number Thus —



The shares (phála) will be represented symbolically in annas, and 72 will be a convenient number with reference to the areas held.

If it happened that all the holdings were fairly equal in value, it would be possible to distribute the burden by an all round rate each would pay R. 2 per bighá on its separate share. The motá bhág C has however part of its land still joint it would therefore meet its liability (of R. 1200) in exactly the same way as the village did. Supposing that the 300 bighás held jointly are able to account for R. 350, then R. 850 remain to be met by the divided holdings, which (if equal) would pay R. 212 8 a. each. But the beauty of the system was that, if the shares were not practically equal in value or in advantages and general profitableness to their holders (and that presumably was most often the case where the narwá plan was adopted), the sense of the community would value one holding at a greater number of annas and another at less. For instance, the 1800 *bighás* of the A share would, on the assumption of perfect equality represent 36 annas in three lots of 12 annas each but actually in the narwá, to allow for differences, (a) might be counted as 17 as. (b) might be reckoned as 7, and only (c) as 12. Or

the whole major share A, being for some reason, inferior might be counted (though much larger in area) as only the same number of annas as C which may have held more valuable land, though only 600 bíghás instead of 1800.

§ 10. *Features of the Joint Village.*

These villages, as usual, were found, some of them wholly divided up into lots, others having part left common (majmun). The terms for major share (or motá bhág) and the minor share (petá bhág) are applied to either form of village. Each major share has an elder or head, called the mukah bhágdár (head sharer) or the mutthádár (who holds the seal and signs his name as representative)[1] These would be the lambardárs of a North Indian village. Each several sharer is called pátidár (here the word patti of North India becomes páti), and every sharer is given the honorary address of pátel. The official headmen (whether police or revenue) are still selected from among the mukah bhágdárs.

§ 11 *The Modern Condition of these Villages.*

The joint-village tenures are recognized by Bombay Act V of 1862 A field to-field assessment is in practice actually made[2] because if the village should escheat or be forfeited for arrears of revenue, Government would at once be able to manage the village on the raiyatwárí system knowing the proper assessment for each field. As long as the village remains joint, the sharers have their portion of

[1] Mr Campbell (*Gazetteer* Broach, p. 463) gi es t as 'matadár

[2] Mr Pedder p. 21 sec. 4 &c.) describes the modern method of settling the villages. All the holdings were separately surveyed and their survey value ascertained; and this revenue valuation f th land was totalled up and distributed according to the narwá list, or according t the register of shares, as the case might be If this was less than the old lump-assessments, the difference was adjusted by a percentage deduction from the sums paid by cultivators w th rights (not being proprietary sharers) The cultivators on the majmun or common undivided land pay their assessment (according t their holding) direct to Governm nt any further sum as rent to the co sharers, is paid to them. Consequently the sum which the narwádárs have t mak good, according t their shares, is the total survey valuation, less the amounts paid by the cultivators who pay direct to Government as occupants.

the revenue-payment assigned according to the customary distribution shown in the phalávní register or the narwá. The sharers are responsible jointly and the sub-sharers severally for the revenue, whether the land is cultivated or not there is no relinquishing or taking up, as under the survey tenure. In fact, the revenue management is by totalling up the field-assessments to one lump-sum, and distributing that, according to village circumstances and constitution, exactly as in a joint-village of the North West Provinces or the Panjáb.

Whenever (as most often happens) *all* the land of the village is not held in bhágs and pátis, the remaining common (or majmun) land is treated exactly like any other raiyatwárí land that is, the revenue of each field shown in the register is levied from the actual occupant according to his occupation. The occupants may be the proprietors themselves (as tenants of the body at large) or may be outside tenants or inferior holders. The Collector takes the assessed revenue from the holder in either case, according to the fields actually in his possession.

The main object of the Act of 1862 was to prevent confusion being introduced by the sale or mortgage, of the sites for habitation (gábhán) and the homestead land belonging to each share or bhág and also to prevent portions of the land other than recognized shares being sold, and so obliterating the ancient divisions and subdivisions. Power is given to render null and void all such alienations. The people themselves are averse to the breaking up of the joint responsibility[1] Nevertheless, there is a tendency for the holders of land to prefer to pay the survey-assessment on the fields in their holding rather than according to the ancient scheme of sharing And it is *permitted, if the people choose* to convert a joint village into a raiyatwárí one by giving up any surplus waste to Government each holder of fields then becomes the registered occupant responsible only for

[1] The people Mr Pedler says are unwilling to dissolve thei joi t ten re they would lose their reputation and dignity (abrú) and would be unable to marry their sons and daughters advantageously as they d now if they did so, Hot ves th conflict

the assessment of his own holding. As long as the village remains joint, however, the sum fixed for the share and the recognized sub-share, must be made good as a whole, irrespective of whether certain fields are cultivated or not.

§ 12. *Origin of the term 'Sanjá' for Raiyatwárí Villages.*

It is remarkable, that though it is *these* villages which are really in character 'joint,' yet the *distribution* of a total area, and of a lump assessment, is the feature that has struck the popular mind: so that the people call them *shared* villages; while the term 'sanjá,' i. e. associated, is applied to the ordinary village of the country because there is no 'sharing' of lands or revenue burdens: all are together on the same footing and united under one headman. This shows how careful we must be in drawing inferences from isolated terms, unless we fully understand the particular point of view from which things were regarded when the term was invented;—and that is often a point of view quite different to one which we ourselves should naturally adopt.

SECTION III.—MODERN LEGAL DEFINITION OF THE VILLAGE LANDHOLDER'S RIGHT.

§ 1. *The Raiyatwárí Village.—The Survey Tenure.*

Having thus explained how the greater part of the Bombay villages has come to be in the raiyatwárí form (whether originally so or by decay of any supervening landlord class) and how exceptional provision is made for a few that are joint,—though likely in the course of years to become purely raiyatwárí—we may proceed to notice the practically important tenure officially called the 'Survey Tenure,' which *is in fact, the ordinary tenure of village-landholders* who have no special grant or other peculiarity in the title by which they are connected with the soil.

It will be observed that the Revenue Code does not enunciate any theory of proprietary right: it does not call the

Code p. vi. landholder proprietor but it describes what the practical incidents of his right are The right of occupancy is itself a property being permanent, heritable, and transfer
s. able. This *right of occupancy is necessarily conditional*
73. on, or subject to, the payment of the revenue-assessment
48. failure to pay this involves the land, and everything on it, in liability to forfeiture, and to all the legal processes for recovery of arrears.

56 The right of occupancy does not[1] in the absence of special facts, include any right to mines and mineral products, which are reserved to the State. As to trees
69 standing on the land the principles, which have grown out of older custom, will be stated presently

The *occupant* has a *right to erect farm buildings*, construct wells or tanks, and make improvements for the purposes of agriculture But land must not be diverted from agricultural purposes without the Collector's permission and the Collector may subject to the orders of Government, require the payment of a fine for any such concession, in addition to any change in the assessment which may be legally made, consequent on the different
65. use of the land. Neglect to obtain this permission will entail liability to summary eviction.

§ 2. *Relinquishment and Transfer*

The occupant may continue to hold the fields he has, as long as he likes; but he can relinquish his entire holding or any entire survey number or a recognized share in a survey number provided he does so by giving written notice[2] to the local revenue officer (mámlatdár or mahálkárí as the case may be).

If the relinquishment is absolute the notice must be given before the 31st March (or other date that the Governor in Council may fix), and it will take effect after the close of the current year the occupant remaining liable for the revenue of the remainder of the year

[1] In unalienated or Government lands.

[2] Called a rájínáma. When there is a transfer the transferee writes at the foot that he agrees.

Transfer is dealt with by the Code as a relinquishment, only not absolute, but in favour of a specified person; and this may be made at any time. In this case the transferee, or the principal of several joint transferees, must agree in writing to the transfer and his name is then substituted in the register

The Code makes further specific provision for the case Sec where a lump-assessment is fixed on an aggregate of fields or survey-numbers (as may be the case in a narwá village), and the occupant wishes to relinquish certain fields only Provision also is made for the case of a recognized share Sec of a survey number being relinquished in which case the (cl occupants of the other shares have the preferential right to take it up in the order stated in the Code.

§ 3 *Protection from Forfeiture.*

As a number is liable to forfeiture if the revenue is not duly paid, there is a power given to a co-occupant, tenant, Sec or mortgagee, to prevent forfeiture by paying up the revenue.

And in all cases where there are several occupants, and the registered occupant fails to pay the Collector need not forfeit the whole occupancy but if he thinks it would be Sec unfair to the others interest, he can deal with only the defaulting occupant's interest by transferring it to one of the others who pay up.

§ 4. *Taking up New Land.*

Just as the occupant can relinquish his holding so he is at liberty to apply to take up a number or numbers which are unoccupied All that is needed is that he should submit a written application, since any occupation without proper Se authority is made penal by the law

In such cases the right of occupancy may be granted at a price (which will include the right to all trees not specially reserved), or the right may be put up to auction, which will usually be done where land is much in demand. Se

§ 5. *Succession.*

On the death of a registered occupant, his oldest son, or other person appearing to be his heir or the principal among several joint heirs, is entered as registered occupant, but on the production of a decree of Court, or certificate of heirship (whatever that may be), the Collector will amend the record accordingly

(Marginal note: ...r 71)

§ 6 *Comparison of Occupancy Tenure with the Proprietary Tenure elsewhere.*

It may here be convenient to summarize the features of the occupant- or survey tenure (khátádár of the revenue books), by way of comparing or contrasting them with those of the proprietary tenure, specifically so called.

Sir Richard Temple has aptly called the occupant's right a limited property and Sir A. Lyall compares it to the tenure of an English copyholder

The right of occupancy is (as before remarked), declared to be a heritable and transferable property and the restrictions or conditions which apply to such occupancy are—

(1) The necessity for paying the revenue; failure to pay this causes the right to terminate *ipso facto* although it is in the discretion of the revenue officer to adopt other coercive measures to recover the balance instead of absolutely ejecting the defaulter

(2) The land may be improved, but cannot be destroyed or rendered unfit for agricultural purposes without express permission, and perhaps a payment for it.

This last condition is alone sufficient to diminish the full proprietary right of Western law for the full owner may destroy if he pleases.

(Marginal note: Lr Coll- ... s 113 and 98.)

It may be added also that where formal partition is applied for (as distinct from a mere record of shares) it will not be officially granted, so as to enable the sharer to have

a separate liability to Government, if the partition would make the separated share or shares of smaller size than the *minimum* recognized at the Settlement survey This, however may be regarded as not practically amounting to any reduction in the *status* of the occupant.

There may also be some practical distinctions between the acknowledged right of occupancy and a full ownership. For instance, if the land is taken up for public purposes, the occupant may have a right to compensation for loss of profits by cutting short his term of occupancy as well as for money spent on unexhausted improvements but the occupant, as such, has no claim to compensation, on the ground that the *land itself* has risen in value from any cause.

Again, a right of occupancy depends on occupation it is lost directly a holding is relinquished by permission or is abandoned[1]

§ 7 *Holdings under or inferior to the Occupant in Raiyatwári Villages.*

The nature of the tenure just described, or rather the local conditions under which it arises, render it (in all *ordinary* villages, of which we are now speaking) impossible that there should be any complicated grades of interest in the land—superior and inferior proprietors, in the sense in which those terms are used in Upper India. Nevertheless, it is quite possible that there may be contract or other tenants under a registered occupant, or some other form of inferior holder But the way in which any such case would be dealt with is perfectly simple. If a person admits himself to be, or is decided by a Court to be, on the land as a tenant, the *terms of the tenancy* are those agreed on between the parties and if no agreement appears, the tenancy is presumed to be on the terms of rent payable or

[1] But subject, of course, to any question as to whether possession has been constructively maintained; e.g. man going away and leaving his receipt book and instructions to pay the revenue, with an agent; or leaving his land in the hands of resident co-sharers, with the intention of returning and taking back the possession f the share.

services to be rendered, according to the usage of the locality or failing proof of such usage, according to what is just and reasonable.

Rev Code, sec 83.

And the *duration of the tenancy* is dealt with on similar principles. If there is no proof of its commencement and of a term agreed on, and no usage as to duration, it is presumed to be co-extensive with the duration of the tenure of the superior. There is no limit to the superior's power of eviction or enhancement of rent, except the terms of the agreement or the usage of the locality.

Questions regarding tenant-right can thus be simply and satisfactorily disposed of by the Civil Court if they ever arise.

Annual tenancies, in the absence of proof to the contrary run from the end of one cultivating season to the end of the next; the cultivating season may be presumed to end on the 31st March.

Sec 84.

Annual tenancy is terminable by giving three months' notice on either side.

§ 8 *In Other Estates.*

In the case of inferior occupancy arising from the existence of the taluqdárí or other overlord tenure, or from the land being alienated, that is, granted by the State to a proprietor under a title-deed[1] here the relation of the parties again entirely depends on the facts (as determined in the Civil Court, if there is a dispute), and by the terms of any special law applicable as the Khot Act of 1880, the Taluqdárí Tenure Act of 1862 and so forth.

The actual occupier of land may admit that the superior is absolute owner and that he himself is a tenant on certain terms or he may claim to be irremoveable, and bound to

[1] In the bhágdárí villages the landlord class are the superior holders, and the others are the inferior; some it may be ancient and privileged tenants, others tenants-at-will. And so with the few other cases, as where there is an inámdár or revenue-free grantee; his family will be the superior and the cultivators the inferior occupants; and so in any other form (as khoti, kasbáti, &c.). In some cases the superior is proprietor or mirásdár; in others he is so practically though only called 'superior holder' in the Code.

pay only a certain sum, which it may or may not be in the power of the superior to alter

It will be observed that the law as regards the holding Sec. 85 and the recovery of rent or other dues by the superior is just the same whether it is a case of tenancy or of inferior occupancy in a taluqdárí or other such estate the only distinction is that in the case of all alienated lands the inferior holders are protected by the rule that where a hereditary patel and village accountant (kulkarní) exist, rent payments must be made through these officials; and the superior is liable to penalty if he attempts to receive or collect directly

Section IV.—Double Tenures.

§ 1 *Their Origin.*

Among the factors which go to the development of land tenures in all parts of India, we have always to note the effect of conquest and of internal disruption, on the old ruling chief's estate or domain.

Either a foreign conqueror overthrows the territorial rule, or the decline of the family in ability and energy or the occurrence of feuds and quarrels, brings about the disruption of the estate and then the ruler's family dismembered and scattered, soon sinks to the position of peasant proprietor furnishing the landlord class in villages. But there are many cases in which the process has not gone so far The original dignity and independence of the chief may have been lost, but still the estate, or at least a reasonable portion of it, has been kept in the hands of his descendants. It is, however a landlord estate (in some form) not a rulership, that is preserved for the rule has been taken by the conquerors. And the landlord interest is superimposed on, and grows at the expense of, the older interests in the land (see Vol I. Chap. IV p. 191). So long as the Rájá or the Thákur remains in his pristine condition, the village cultivators under his rule are not affected they are practically the landowners the chief takes his grain-

share as ruler not as landlord. But if the Rájá is defeated, and accepts the position of Taluqdár or Zamíndár under the conquering government, he will in time become the direct and sole landlord. In many cases, however the local chiefs acquired no such recognized status under the new *régime*, and yet managed to retain possession of at least a part of their old territory on more or less favourable terms. When the British rule followed, it was bound to do justice as far as possible to all interests in the land and it could only do so by acknowledging a double tenure—the right of the overlord, and the right of the soil-owners, now reduced to a secondary position. This resulted in what is called the taluqdári tenure of the North West Provinces, or in a case of superior and inferior holder under the raiyatwári law

The history of Guzarát, diversified as it was with many ups and downs of fortune and many changes of dynasty has left its marks in the existence of several varieties of the overlord's tenure. Most conspicuous is that of the Thákurs (chiefs) of Rájput clans which are found in the West and South-West tálukas of the Ahmadábád district. Other estates are to be found in the other districts, whose origin is similar Each tenure has received its local customary name which often, but not always, indicates the origin.

In other parts the double tenure will be found to be not directly of this character Revenue-farming arrangements may have given influence to persons who had not necessarily any territorial or hereditary position; on the other hand, it is just as likely that the ruler would select as his revenue-farmer or security a man who was once a local chief or a land-officer and thus the result may be the same

The Guzarát tenures of the first kind are the vántá, the mewásí and what are now called the taluqdári. Under this head I also include a notice of the girásiya right though it is hardly to be reckoned a land tenure For the second, we have the kasbáti tenure and that of the Konkán khot families.

With reference to their origin, the first tenures may all

be included in the same general class. They represent the effect of the disruption of the domains of the old Rájá and his feudal chiefs. Girásya was a name formerly given to chiefs, who were younger members of the ruling (Rájput) families to whom territory was assigned for maintenance. In troubled times they became independent, and like the petty barons of the Middle Ages in Europe, waged war and levied contributions all round them. An account of their exactions is given in the *Gazetteer of Surát*[1] Some *estate holders* having this title or designation still exist, but are called Taluqdárs and the girás is now chiefly represented by a cash-allowance

In the Maráthá times the continual state of warfare resulted in the country being classified into that which was peaceable (rásta) and that which was troubled (mevási) A number of chiefs who had lost their domains settled where they could and got hold of what they could the details will be given presently but, to summarize the results it may be said that a certain number of hereditary allowances, as charges on the revenue, have now become permanent by prescription and that a certain number of claims were (long ago) commuted into land holdings forming mevási estates.

The wantá or vantá are merely fragments of larger estates still held by the descendants of chiefs who were obnoxious to the former conquerors, and were reduced accordingly under early Moslem rule.

The taluqdári are estates of chiefs which are preserved to them in Ahmadábád. Let us now examine each in turn, in somewhat more detail.

§ 2. *Wántá Tenure.*

This tenure is derived from the old service grants of the Hindu Ráj

The numerous Rájput chiefs who held what would be called jágír estates in later days, naturally were a source of trouble to the later Muhammadan conquerors, and also

[1] P 214 with reference to the article on Guzarát (*Hist. Muhammadan Period*).

to the Maráthá chiefs[1] The consequence was that they were often ejected and their revenues taken away Such fragments (one-fourth was a common fraction) of their possessions as were left were called wántá or vántá (= Hindí bántá) meaning divided (estate)

I do not find them mentioned among the Ahmadábád tenures, though they are said to be commonly found to the north of the Taptí river In Kairá they were formed either by the Dakhan king Ahmad I (1411–1443) or later under Akbar (1583). The areas, sometimes forming a distinct quarter of a village, had often been reduced to much below a fourth of the original estate. They are sometimes jointly held by the family sometimes in divided shares. Lands were sometimes separated for the support of wives, and called sirjamín. In Surát, vántá lands are reckoned among the alienated lands, and are said to be due to arrangements introduced by the Emperor Akbar in 1590. In Broach the vántá lands were granted free of service (as the old estate subject to that condition was resumed) Some of them were afterwards assessed to a fixed sum called udhaḍ jama[2] others were rent free (ráhat wántá) and these now pay only a certain cess but no revenue. The ugáriá vántá was granted on condition of succouring (ugárvu = to aid) the villagers against robbers.

The *Administration Report* says that wántá is used in contradistinction to talpat, or fully assessed land. The majority of the wántá lands pay at the present date, the lump reduced assessment udhadjama, which they were found paying at annexation. The vántá tenure may extend to a whole village, or may be merely on plots of land.

[1] See Gazetteer Broach, p. 495.

[2] These estates were assessed at the lump sums which they were found to be paying at the commencement of British rule Wilson gives udhaḍ or udhad as a Maráthí word, signifying in the lump, and this would imply that the petty estate was assessed to a lump-sum, without any field-to-field reckoning. The holder would pay this, and make his profit by the difference between the lump-sum and what he could make out of the individual cultivators. It will be observed that the Imperial return given at p 51 only notices udhad jamabandi estates.

§ 3 *Mevásí Tenure.*

It has just been mentioned that in Maráthá times, as government was only gradually established, they spoke of part of the country as peaceful and part as troubled, mevás (or mavás)[1] The trouble was mainly caused by Kolí freebooters and some Rájput chiefs, who either as ejected from an original ruling position, or having always been freebooters in the wilder parts of the country maintained a hold by terror and by force on the neighbourhood. It is interesting to notice how the process of decay goes on in families which lose their original status. Among the holders of mevásí estates (and also in smaller holdings in the more settled territory) there were originally found to be three grades or classes. At the head were those chiefs who exercised a rude rule, or at least had some kind of authority over a more or less considerable area a middle grade consisted of members of the family (of less consideration) who held one village, perhaps, or only shares in a village a still lower grade was formed by those who had got into debt, and mortgaged or otherwise lost their shares these, however lived almost entirely by plunder as mere robbers. The position taken up by the freebooting chiefs is easily understood. During the latter part of the eighteenth century says the author of the Ahmadábád *Gazetteer* when Mughal rule was loosened, and Maráthá ascendancy not yet established, the failure of the central authority to shelter them from the raids of freebooters and the exactions of their stronger neighbours, drove the owners of many villages to seek the protection of local chiefs.

[1] Wilson gives mewás, and says it is the Guzráti name for tribe of Kolis. I do not think this is correct. Mr Elphinstone insisted that the Mevásí chiefs were always Kolis, because he said that if Rájputs they would not be regarded as usurpers or troublers of the State. But this distinction seems hardly warrantable for the conquering governments might dispossess almost any chief who happened to come in their way and these might then turn freebooters. Malcolm (I. 480, who writes th word mewass) says, The chiefs on the Nerbudda river are generally called Mowasses, which refers to the place they have chosen for their residence mowass signifying in the colloquial dialect of the country a stronghold or fastness. Other writers use mehwás. I follow the Bombay Act VI of 1868 in writing mevás. For other derivations of the term, see *Gazetteer* (Kaira), p. 81, note.

Sometimes the cession was in perpetuity (aghát), sometimes for a number of years (avad)[1]

By such means the chiefs, or at any rate those who had any ability would acquire considerable influence and even form large estates. Living in fortified villages some of them strengthened by large stone-built castles, they kept bands of armed followers, both foot and horse, to guard their persons and villages and to wage war on their neighbours. They managed their affairs and settled their disputes at their own will, and so long as they paid their tribute, the paramount power never meddled either with their foreign or their home affairs.' The Maráthás afterwards had much trouble in dealing with these chiefs, and they used to collect the revenue by the process of mulkgirí (= seizing the country), which meant that they sent an armed force to collect what they could at the point of the sword.

The tenure of overlords derived from the Mevási chiefs exists now along the river Máhí and in the Parantij táluká of Ahmadábád. As might be expected it is but a vestige of the old estates that remain. The owners pay a lump-sum (*jama*) as a tribute and derive their profit from the difference between this and what they collect from the inferior occupants. In many cases they have no direct concern with the land, and live on the profit which (confer the Ambálá jagirdárs of the Panjáb)[2] has become *divided* among many branches of the family The shares are called 'bhág the head sharer muksh bhágdár and the subordinates petábhágdár just as in a shared village.

§ 4 *Girás.*

A number of the old Rájput chiefs were called Girásiya (Grassia of many writers) and where such still retain in whole or part, territorial estates, they come under the head

[1] *Gazetteer* p. 143. In some cases the protection was secured by actually mortgaging the village; in others it was simply given over to the chief a certain share or allowance for subsistence being reserved to the original owner. We have noticed a process of báth rakhái or putting a village under protection, also in the Panjáb.

[2] See vol. II, p. 683.

of taluqdárí tenures. But at the present day the term is applied specifically to a cash-allowance or revenue-assignment, and not to indicate a landed or proprietary estate. The allowance in question is called todá or torá girás or wol. The right to it has recently been dealt with by Bombay Act VII of 1887 which provides that no one can mortgage his right beyond his own life-time. The custom of todá-girás arose out of the dispossession (on subsequent conquest) of the old Rájput chiefs in Málwá, Gujarát, and Central India.[1] These persons so harassed both the Government and the inhabitants of their former estates by robberies, raids, and incursions that Government and the people were glad to give them a *share* (girás = mouthful) of the revenue to secure their protection and freedom from plunder. The amount so to be paid became an item in the revenue roll of the villages. Girás is now paid as a claim established by prescriptive right, either by Government or by the inámdár (on alienated land) to the descendants of the old chiefs, but only to male lineal descendants, unless the Governor specially extends it to the descendants of a brother. B. Ac[t] of 18[87], sec. [...]

The *Revenue Handbook*[2] speaks of the Girás as the political allowance in Gujarát, &c. It is at the present day purely a matter of cash-payment made to certain chiefs who may (of course) possess other lands or property of other kinds.

§ 5. *Taluqdárí Tenure.*

We have yet another (and more important) survival of the old Rájput kingdoms in Northern Bombay. The estates that remained fairly preserved or entire—whether originally girásiya estates or other—are now called taluqdárí. The Rájá's domeane or khálsa under the Rájput dominion, is known to have been in part of the districts of Kairá, Broach (Bharoch), Ahmadábád, and Surát. As this was held by one

[1] I have followed the Act in writing girás. Wilson gives the correct form as (Gujaráti) Garás or Grás and (Maráthi) Ghás or Ghás. Todá (Mar and Guj.) means compromise or commutation. For an account of the origin and life of the Grasia chiefs, see Malcolm, vol. i. pp. 3 a, 8, and p. 414.

[2] Rev Handbook, p 496.

Rájá, and was indivisible, extensive overlord tenures did not arise in it except, indeed, where farming contracts or royal grants gave rise to a certain number of landlord villages, as we have seen. In those parts (outside the khálsa) where subordinate chiefs (Thákurs, &c.) had their estates, the history of the lord's families has been various: in some the chief was driven out, and, as described above was only allowed a sort of pension as (now called) a Girás allowance. In others a fragment of the estate was left under the name of Wántá. It seems that the Thákurs west of Ahmadábád (and towards Káthiáwár) escaped this fate, and retained their estates in some form even when the Ráj-put rule passed away. It should be observed at once that the term taluqdárí was only applied to these estates under Muhammadan rule. The revenue-language of those times frequently applied the rather vague term 'Taluqdár' to any local chief whose position it was convenient to tolerate, if not directly to recognize[1].

The estates called taluqdárí exist in the Viramgám Sánand, Dholká, Dandhuká, and Goghá subdivisions of Ahmadábád and include 372 villages covering more than 1900 square miles[2].

The proper titles of the holders are various. Some as already stated, are still called [illegible] chiefs, others holding a single village are called [illegible]. There are also here (cf. Ajmer vol. ii. p. 329) [illegible] while one of the estates is held by Koli [illegible] Thákurdás (lordling)[3]. The Kasbáti [illegible] in this class are alluded to separately. [illegible] in the Act of 1888 (afterwards alluded [illegible] Náik was

[1] Under our own [illegible] at assessment nagement in early da[illegible] [illegible] and claims of these [illegible] little understood. In [illegible] their internal mana[illegible] tempted, and Gov[illegible] or paid village [illegible] appointed [illegible] the [illegible] became known [illegible] from one-third [illegible] from their tenants,

a title[1] given to Maráthá chiefs in the service of Muhammadan rulers. The holders were declared under Bombay Act VI of 1862 to be absolute proprietors of their estates, subject to the payment of a tribute (called *jama*) which is fixed for a term of years, and liable to revision. We shall presently notice that most of these estates were held in shares, and that in this case the estates may be described as being the *shared village* tenures repeated on a larger scale. Both are the result of the ancient principle of the *joint succession*, under which, after the original great ancestor or head of the whole has passed away the members of the family jointly succeed in equal right, taking shares according to their place in the pedigree-table. The Thákur's estate can be mortgaged (pasáitá) but cannot be permanently alienated.[2] Where there are co-sharers a manager or wahiwatdár is appointed to collect the several shares of the Government *jama*. The chief retains a portion of his land as gharkhed (exactly the sír of Upper India and Bengal) worked by his own servants, and lets the rest to his (personal) tenants. He also grants rent-free holdings to Brahmans, Chárans (bards, &c.), and the village menials may also be so remunerated.

As between the tenants and the taluqdár rent is paid in kind the grain-division being according to the village dhárá or custom of division. So much is first set aside for seed and for the perquisites of village menials, &c., and the rest is divided between the landlord and the cultivator.

The chief members of the family in the village where the Taluqdár resides, are collectively called the Darbár (lit. court). Most of the features of the overlord right observable in other parts of India are reproduced. The tenant, besides his rent, formerly paid several cesses[3] but they are apparently not now levied, or at any rate are not oppressive. The author of the *Gazetteer* remarks that though all are tenants from year to year they are not subject to excessive exaction, nor are they ever turned out. As long as a

[1] Grant Duff, i. 25.
[2] See sec. 8 of Reg. XVII of 1827.
[3] See the *Settlement Report* of the Dholká táluká.

tenant conforms to the custom, he is practically as safe as a Government tenant (occupant).

If a tenant leaves the village, the wooden frame-work of his house becomes the perquisite of the chief. It cannot be sold or removed.

The Survey-Settlement has been applied to these estates, with a view to preserving rights where there are fractional interests in the estates, and avoiding disputes about boundaries. Bombay Act VI of 1862 may be referred to in this connection. In 1888 Bombay Act VI was passed, which puts an end to further proceedings under the Act of 1862 and makes provision for the revenue-administration of the estates and for their partition, where this is admissible, on the basis of the Revenue Code, as well as its own special provisions. The records to be made do not determine anything about *tenants*, beyond specifying the *manner* in which co-sharers are to collect rents,—i.e. the village dhárá or custom of division. I gather from the *Gazetteer* that occupancy rights and such like, do not exist (but there are rent-free holdings). However this may be, the records as described in the Act are devoted only to the rights of co-sharers as stated in Sec. 5. If the estate is *undivided* the method of sharing the profits is recorded, and also the method of contributing to the Government *jama*, the police charges (for which the landlords are responsible) the cost of erecting and maintaining boundary marks and any other legal charges. If the estate is divided, the record will indicate the extent and limits of the separated shares, and the same of *sub*-shares (i.e. within the main shares). In either case, the extent and nature of *incumbrances*, and interests created by custom or grant, are described.

On the subject of *Partition*, the Act (Part III) is quite explicit, and comment is unnecessary. If there is any dispute as to whether any person is or is not entitled to partition, and to have his share in severalty the question must be determined by a suit. Presumably such disputes are not likely as the rule and custom must be perfectly well understood. It is only a limited number of the estates—I

believe seven in all—where there is only one chief, and the succession to the gaddí (or State cushion indicating the chiefship) is by primogeniture[1]

Other estates belong to the whole bhâíád or brotherhood, members of the chief's family And it is remarkable that though primogeniture does not here prevail, it is the custom to allow a double share (or in one tribe one and a half share) to the eldest son. Among the Káthís females take a share in other castes they do not. The Chúválí Thákúrdas have kept the whole estate in common, the strongest holding shares in the produce; the weaker amid perpetual quarrelling are put off with subsistence lands. Under this state of things the tendency to lose all marks of a chief's estate must be very great. Thus Mr Rogers says[2] The Taluqdárs are uneducated and improvident they will gradually disappear as landlords, and sink, as many of the junior branches already have, to the level of common cultivators. The sub-tenures [sub-shares in divided estates] with which no interference has been permitted carry within themselves the seeds of decay for although the succession by primogeniture prevails [in some estates] the junior members of each family and all widows and co-ancestors to an almost unlimited degree of relationship expect to have a livelihood provided for them out of the estate so that in the course of a few generations the State will have to look for its dues to men occupying the position of landlords, with inadequate resources from which to meet them. This was written in 1882 since then Bombay Act VI of 1888 has come into force and what with the record of rights prepared under it, and the (limited) restraint it puts on the process of partition, it may be hoped that the progress of decay will be retarded, if not stayed altogether[3]

[1] *Ahmadábád Gazetteer* p. 184.

[2] Paper read before the E. I. Association, already alluded to.

[3] The Act introduces a number of verbal amendments into the Revenue Code. Sec. 114 is now no longer applicable to taluqdári partitions, which are solely governed by the Act of 1888. The Code is now applicable t taluqdári Settlements and to the management of the estates; for this purpose various sections are amended, or rather certain words are taken to be modified

The encumbered condition of most of the Thákúrs' estates long ago led to the passing of Acts for relief. Act (Indian) XXI of 1881 is now the law applicable. It would be foreign to the purpose of this work to go into detail on the subject; but it may be noted that while indebtedness and the consequent tendency to sell and mortgage lands is always a powerful factor in breaking up joint estates, it is reported that very considerable success has been attained by the official agency provided for consolidating, compromising, and eventually liquidating, the debts. This again is a hopeful sign for the preservation of these interesting tenures.

§ 6. *Kasbátí.*

Under the head of 'taluqdári' estates another limited class of tenures is found which may be mentioned, because it exhibits a special form of overlord tenure which has become practically identical with the Thákúrs' estate[1]. Yet in origin they were quite unconnected with old territorial chiefships. The term 'kasba' refers to a large village, a market centre, and sometimes to a group composed of a parent village and offshoots. When in former days these were *farmed* for revenue purposes, the farmer acquired the landlord position, and the estates so held are now called Kasbátí. The holders are usually Muhammadans. 'Kasbátis are found in Ahmadábád district, and chiefly in the Dholká subdivision. They are described as the descendants of rich soldiers, who by lending money and standing security for the payment of revenue, gradually raised themselves to the position of landlords[2]. About the year 1750 they had gained power over the villages by bringing them into cultivation, stipulating that they should be allowed to have them at a fixed rent. When the lease fell in it was renewed, and instead of forcing the farmers to close all

as provided by sec. 33 and other sections of the Act) when so applied. There is a detailed account of the taluqdári settlements already effected in Mr. J. R. Peile's *Report*, Bombay Government Selections, No. CVI.

[1] *E.g. For the purposes of the* Encumbered Estates Act (XXI. 81) a kasbátí estate is included in the definition of 'Thákur.'

[2] Gazetteer Ahmadábád, pp. 147, 8.

transactions connected with the expired lease, the Government (then of the Gáekwáḍ) allowed them to take bonds from the heads of villages for balances of revenue. In payment of these bonds the Kasbátís obtained lands and sometimes whole villages in grant, or on mortgage.

§ 7 *Málikí Tenure.*

In the Kaira district, but unconnected with the old Rajputs, we have to mention a tenure which is of quite a different origin. It was originally a royal grant, on favourable terms, of land held as a reward for service

In the Thásra táluká there is a group of villages which once formed a property granted to certain Muhammadan families known as Malikzáda —the grant of about [illegible] square miles of land being made by a Sultán of Ahmad-ábád, four centuries ago for service in taking the fort of Pávágaḍ (near Chámpáner). These villages were at [illegible] twelve in number (spoken of as the báragám) [illegible] they had increased to twenty-seven by expansion [illegible] lies and fresh cultivation. They are held on the [illegible] tenure as it is called the Maráthás levied a [illegible] called udhadjama, and then at a later period a [illegible] tax, called ghásdána (lit. grass and grain) [illegible] port of troops thus the grantees recouped by [illegible] poll tax and other dues on the villages [illegible] holders have now sanads from the [illegible] and are assessed at a fixed revenue-rate[1]

§ 8 *The Khoti Tenure.*—[illegible]

Still belonging to the category of [illegible] quite of a different origin and nature [illegible] estate of the Khot in the Konkán [illegible]

[1] See Kaira Gazetteer pp. 8-, 3, where a history of the changes in the method of assessment is given. Survey and Settlement and grant of sanads took place in 1865.

Twenty-two villages called Sarikati (from the Arabic sharikat, partnership?) are mentioned in Surát: the origin is said to be unknown. [illegible] In particular [illegible] and [illegible] the [illegible] villages [illegible] revenue [illegible] of the [illegible] Board [illegible]

tenure deserves to be considered in some detail, because the materials are abundant, the evidence fairly clear and the history exactly and curiously illustrates the process of growth by which an ancient official, a leading headman, or a mere capitalist may when recognized in a peculiar position by the State, grow into a landlord. The names for the grades of tenants and other connected matters, are local, but the facts disclose the almost exact counterpart of what we can again and again have in Bengal, in Oudh, and elsewhere.

It is said that the creation of Khots as farmers or collectors of revenue over groups of villages, can be traced back to the days of the Adil Sháh dynasty of the Dakhan (which dates from A.D. 1489–1579) but the terms Khot, Khotí and Khotgí or Khotkí (for the office or grade) are given as Maráthí by Wilson. The antiquity sometimes claimed for the title probably refers rather to the fact that the position was, or was allowed to become, hereditary and that very possibly the first holders were derived from former territorial chiefs, or from the old district official classes. Some of them held sanads or title-deeds, others not. It is very probable that their origin was various, and that the degree of their connection with the land equally so. This is generally observable in cases where the modern tenure is derived from the grant of a position as revenue farmer. *In itself* this is nothing more than a right of management under a contract for the revenue, whatever may have been the antecedent position of the renter. But it depended on his antecedent claims and his natural connection with the land, as well as on his circumstances and opportunities, how far he afterwards developed (practically) into a landlord[1]

§ 9. *The Village Landholders under the Khotí.*

Before considering the position and privileges of the Khot as overlord or superior occupant, it will be well to

CXXXIV, on the Khotí tenure, 1873, and the *Gazetteer* (Ratnágiri), p. 203.

In the *Survey Manual* is reprinted the entire discussion in the Bombay Legislative Council, when the Settlement-Survey Act I of 1865 was being passed. The most extravagant claims were put forward for the Khots.

consider the nature of the villages over which he presides.

In another connection I have already alluded to the Konkán villages generally here, the details first given relate specially to the Ratnágiri district, in which the fully developed and more ancient Khotí tenure prevails It will be observed that the villages under the Khots are either (1) entirely held by peasant proprietors or dhárekár or (2) are entirely held by common tenantry or (3) are khichadi or mixed, i. e. partly held by dhárekárs, partly by common tenants.

The dhárekárs were always acknowledged as virtually proprietors of their holdings, though of nothing more. They appear in a position closely resembling that of the málik maqbúza, described among the tenures of the Central Provinces and the Panjáb Their right was hereditary and transferable, and they paid the dast or Government assessment, and nothing more, unless the Khot was able to exact the ubiquitous landlord s cesses. It has been assumed that the dhárekár represents the old co-sharing member of a former landlord community It is quite possible that members of old ruling families may have originated such communities in the South Konkán, as they did in so many other places and there is some reason to regard the dhárá right as very similar to the mirásidárí of the Dakhan (p 256 ante) Villages held by dhárekárs are known as kularg (or kulargi'), a term which has reference to the kula or family Possibly also the dhárá, though the word means rate or current-price,—and hence the schedule of rates payable in a village,—may carry us back to something like the narwá of Guzarát, and refer to a distribution of the revenue burden over a co-sharing body Otherwise I have not found among the authorities any reference to the idea that the old landowners held in ancestral or other *shares*, the entire area of the village. The right was, however so respected that, in the days before our limitation laws, it was held that the holder could never be deprived however long absent, he could return and recover

his land—perhaps on paying equitable compensation, from an *ad interim* holder land finally abandoned was called gáyál (cf. the gatkul of the Dakhan).

On the other hand, it is to be borne in mind that first of all in point of time, the Dravidian form of landholding must almost necessarily have been in use that is, antecedently to the growth of a possible hereditary landlord class and under that form the families of original founders, who held privileged lands, and furnished the village officers with their *ex officio* holdings (watan), would also be a hereditary landowning group with a strong attachment to the soil, and yet not represent the joint-village[1] But it is also to be remembered that besides the dhárekár there is also a class of (now somewhat inferior) occupancy tenants called watandárkul, and it may be suggested that *these* may be the relics of the ancient founders families, while the dhárekárs may represent later landlord growths, which again fell, under the stress of circumstances. I must leave the question undetermined but meanwhile it is interesting to note how the growth of the revenue-farmer results or tends to result in the diminution of older rights. For the villages under Khots do not exhibit merely two classes, the *quondam* proprietor and the common tenant. The stages of reduction of the old landholders were more gradual. This came to pass owing to the fact that a number of the dhárá holders, whose proper privilege it was to pay the Government assessment only were gradually made to pay something more, and then became classed in a somewhat lower grade. This happened in times when the dhárekárí was unable to pay the Government demand, and agreed with the Khot that the latter was to meet all such demands, and to take *grain* from the holding i. e. sometimes double, sometimes once and a half the quantity of grain at which the holding was (nominally) rated. When these agreements were made it is probable that the landholders, owing to the

[1] Compare for instance the claim of the (Dravidian) bhúínhárí families of Chutiyá Nágpur to return to their holdings without limit of time. Vol. I. p. 581.

low price of grain, lost little by the change. Had this arrangement not been made, they would in years of low prices have found it hard to raise cash to pay the assessment[1] These reduced holders have still an occupancy right, and their (modified) rental payment cannot now be further enhanced, and they can alienate their holdings. Those who agreed for double the grain-assessment were called dupatkari those who gave 1½ times were didhi vála (or didhpatkari) and those who gave 1¾ times, páv nedońpatkari. In the Dapolí subdivision, the daspatkari is somewhat different the basis of his payment is the Government dast, but there was an addition of eight annas cash per maund (man) of assessment. This comes to ten rupees (das) per local *khandí* of assessment. Under the older system of managment, the dhárekhár paid revenue in a peculiar way theoretically it was a grain-assessment, but commuted into cash[2] One part (called the ain jinnas), either three-fourths or (locally) one-half, was valued at current market rates as fixed by the Collector the rest (called bahánakt) was valued at the (fixed) old rate of the former survey This illustrates the inconvenience of the grain payment, and the devices that either side is able to adopt to raise or reduce it without openly altering the form. Even when the rental was only the Government assessment, the khot (as usual) managed to exact some *cesses* (patti bábti). The *Gazetteer* gives an extract from the receipt book (of 1855) of a dhárekár tenant. The rental payment was R 12. a. 3. p. 5, which for the year (owing to alteration in price of grain) became R. 11 a. 14. p. 10. This was made up of 4 5-9, the bahánakt or part payable in cash, calculated at old fixed rates 7 2 7 payable by conversion of grain at current rates, and 0-6-6 small cesses for the different táluká officials. The details occupy more than twenty lines of small print.

[1] Gazetteer (Ratnágirí), p. 209

[2] Observe the transition stage and the process of gradual commutation. The terms clearly imply that one part should be paid in actual grain and the other in money; but in practice, even the former was paid in cash, only on an (approximately) actual valuation, while the other was taken at a conventional standard.

They would be unintelligible to the lay reader but I may say this much, that the R. 4 5-9 cash is made up of 2 4 3 the real bahánakt, *plus* a stable cess (I suppose to pay for the khot s horse) a coin-assayer s cess, a superintendent s cess and a cess (paid in ghí or clarified butter or by a cash equivalent), coming in all to R 2-1-6 (R 2-4 3+ 2 1-6=R 4 5-9) The reader wonders how so absurdly complicated a system could have been tolerated for a single year but such is the force of custom !

There are still other occupancy-tenants. The watandár karda is supposed to represent a grade of dhárekár who has fallen still lower than the second grade just described, having been unable to resist the khot s encroachments but may they not be really members of old hereditary cultiva ting families even prior to the dhárekárs ?

In some cases, to secure the reclamation of waste or abandoned holdings, or for other purposes, the Khots themselves have created what are virtually occupancy rights this is always a feature observable in the growth of overlord tenures. The Khot Act (of which presently) has determined the status of these tenants, with reference to their having been in possession continuously since a certain date, and they now form a large body The tenure is heritable but not alienable.

Common tenants pay no cesses (so the cess-payments in an account at once indicate a superior class). In numbers they are but a comparatively small body

It is said that there is not much difference between the rents paid by permanent and by yearly tenants. As usual a great many local terms are employed to distinguish each variety of payment, or other special circumstance of the tenant s position[1]

[1] Tenants of Khot families whose land is held in common are called bádekari (tillers of the waste). A man who lives in one village and cultivates in another is dulandi. If the tenant pays in grain (by appraisement of the crop, called abhávni) he is an ardheli (half payer), or tirdheli (third), or chauthell (fourth) according as he occupies rice land, or upland (varkas). Th term ardheli is also applied to those who pay a fixed quantity of grain (or its equi valent) as determined by a lump-estimate (thal). But many tenants succeed in getting the Khots to agree to cash (contract) rate, called makta in the North and khand in the South. I wish to call atten-

Tenants pay shares of the straw and of the produce of fruit trees, besides their rent. Formerly the Khots used to exact certain days of labour in ploughing or in carrying the palanquin but these exactions have been stopped.

§ 10. *Features of the Khotí Estate.*

Turning now to the rights of the Khots themselves, it appears that the estate is sometimes held by one man, sometimes by a family in defined shares (on the principle of the inheritance share). They hold 1337 villages in all of which 607 are nival Khot, entirely held by Khots, with varieties of tenants under them. 210 are held entirely by dhárekára, and 597 are khichadí or mixed. The rest are held in inám, where the grantee is over the Khot or renter Some are managed direct by Government, owing to failure of the Khot. In cases where the Khots hold in shares, it is usual for one of the number to take the management in rotation, and the manager signs a kábuláit to be responsible for the Government revenue.

Formerly the khot paid to Government what was theoretically a grain-assessment, though actually levied in cash. Part was calculated at current rates, part at certain fixed rates (bahá nakt) as in the case of the dhárekára. At present, of course, it is a cash-assessment fixed with reference to circumstances. When the whole village was held by dhárekára, the khot s profit consisted in his getting an allowance called mushâhara. When it was held by tenants, his profit, amounting to 50-75 per cent., consisted of the difference between his total rent-collections and the Government assessment.

As usual in landlord estates, a portion of the land is held by tenants (here called the khot-nisbat ?), and part is held by the khot himself. This is usually the best land, and is called the khot khâsgí —the sír' of other provinces. A khot may hold other land on the footing of a tenant

tion to the reappearance here of the word maktá, which we find in use in the Central Provinces to indicate a tenure at a fixed (and favourable) rate. See vol. II. p. 477

of the khot or khot body in that case he will pay full rent, unless it is otherwise privately arranged. If a village is held by several khots, they may either hold it jointly managing as above described, in rotation; or they may partition it wholly or partly the partition-deed being called dhada vántap

Khots are found to be of all castes. Originally they were Maráthás or Musulmáns introduced under Moslem rule, but historical changes account for many alterations or sales of the right resulted in Bráhmans and others acquiring the renter's estate or a share in it.

It may well be supposed that the position of the khots was long a subject of controversy The whole detail is given in the *Gazetteer* of Ratnágirí. Some officers denied all proprietary character in the khots others thought differently The khots maintained the highest claims—often very extravagant ones—as may be seen in the debate which took place when the first Survey Act was passed in 1865[1] in which it was a question whether the khot estates were liable to be brought under the Survey-Settlement operations or not. That they had grown (in various degrees) into the proprietary position just like the larger landlords (whose growth was due to the operation of the same causes, and exhibits exactly parallel features) in Oudh and Bengal, there can hardly be a doubt and the wise conclusion was reached (here as elsewhere) that while a practically landlord position (superior occupant's) was conceded, the Government would retain the right to make a Survey Settlement, and to secure the rights of all classes of tenants.

§ 11 Similar Tenures in the North Konkán.

The district we have been hitherto considering is Ratnágirí we may now look at the rest of the Konkán[2] First, in the North Konkán (Thána district) there is a

[1] The whole is printed in the *Survey Manual*. The Khots were heard by counsel.

[2] The Konkán, I may repeat for convenience includes the Thána Kolába and Ratnágiri districts.

modified form of tenure to be noticed. In the Salsette Island (táluká of Thána) there are 'khots who hold their villages at a permanently fixed rental and usually under specific grants and there, the nature of the tenure in each case depends on the terms of the deed[1] In the other tálukás there are also some ordinary khot estates.

In the two northern tálukás of Kolába there are no khots. In this part, however are the shilotri lands, i. e. khára, or plots reclaimed from the sea. The reclaimer constitutes a kind of superior occupant, who lets out the lands and levies shilotri maund (as the cost of maintaining the embankments) in addition to his rent. Some shilotri lands belong to Government in that case there is the shilotri *maund to pay in addition to the ordinary revenue it is* levied in cash.

In the Northern Konkán also, there is a tenure analogous to the khotí (but inferior to it in privileges) called izáfat. The izáfatdár is a grantee or assignee, allowed to take the revenue as a personal benefit or increase to his income. Or it is explained as applying to a *farmer* appointed to realize an increased revenue. Whatever the origin the izáfatdár has now no right to increase the rent of any cultivator nor is he personally entitled to lands that lapse or are abandoned. The terms however vary in some cases the izáfatdár pays a fixed sum and gets the benefit of all actual revenue payments (by increased cultivation or other wise) above that in others, he simply gets an allowance of 10 per cent. on the revenue in others, again, he pays the revenue on rice-lands, and appropriates whatever rents he can get on warkas or dry lands for the year of culti vation (and on which no Government rates are imposed)[2]

In the remainder of the Kolába district, as well as in the

[1] See the Hon. Mr (afterward Sir B.) Ell speech (on Act I of 1865 *Survey Manual*, p. 18

[2] Izáfa, which is an Arabic word signifying increase or augmenta tion, is written Ijápha in Maráthí. Wilson says that it was, under the Peshwá's government an assump- tion or appropriation of revenues by the sirsúbadárs (governors) of *the Southern districts, or in other* words, an impost over and above the revenue the governors had to pass on to the State Treasury It also was pplied t grants revenue-free as an extra allowance to here- ditary village or district chiefs.

Rájpurí, Sánki, and Raigarh tálukás of Thána, there are the hereditary khots about whose rights more question has been raised. In the Northern Konkán, the general fact that distinguishes the khots, is that they all date from the first days of British rule[1] The *Administration Report* otherwise includes them in the same class as the Ratnágiri khots, and observes (of both classes) it is 'now generally conceded that they must be considered as limited proprietors'[2] They are like the Bengal Zamíndár but without the permanent Settlement, since it has never been doubted that they are liable to increase of assessment.

§ 12 *Modern Legal View of the Khotí Tenure.*

The chief undisputed points of this tenure, says Colonel Anderson, are as follows —

(1) The right to hold their villages on payment of the lump-assessment, provided the annual agreement (kábulát) be given to Government by members of the khotí watan, authorized to give it.

(2) The right to rack rent all lands in which there are no permanent rights of occupancy

(3) The right to all lands that may lapse owing to absence or failure (either temporary or permanent) of the occupants.

(4) To collect the assessment from permanent occupants (dhárekáris) with (deduction, or) remuneration, and to receive Government assistance in doing so

With the exception of the cases in the Salsette island above alluded to, the khot s assessment is not permanent. I have already quoted the Bombay Government views on the tenure, and I may add that it is hardly possible to doubt that the khot-right has become practically that of proprietor limited by the right secured to the inferior occupants. Indeed if the following extract resembles the generality of the *leases* issued to khots in old days, it

[1] In the villages the tenants are not called dhárekár &c., but the privileged or hereditary class, are [1]sutí ; and there are gatkuli holdings as in the Konkán Government villages (see p. 58 ante).

[2] *Administration Report*, p. 37

must be held that the term lease refers to the revenue, not to the land for the document expresses a hereditary permanent grant of these estates, as watani property—which would certainly be taken to mean not only a proprietary estate, but a strong form of it. Thus I find a grant of a British Collector in the South Konkán in 1833 —

> You are to consider the village as your *watani* property to enjoy from generation to generation, both by male and female descent, the haq-lawázima[1] mán-pán, kánu-kayuda and farfarmás, according to the practice of the other khots: to cultivate the aforesaid village and recover the revenue encouragingly and live happy You shall not be subject to any extortions.

§ 15 *The Khot Act*, 1880.

The khotí tenures in Ratnágiri are dealt with in Bombay Act I of 1880 the Act may be extended to Kolába also The Sections 37 and 38 of Act I of 1865, still in force, entitle the khots to have the lease for their territories granted to them; and also to have the rents of tenants fixed for the period of Settlement. The Khot Act does not define the nature and extent of the khotkí (aggregate of rights of the khot), but merely says that the khots shall continue to hold, provided they pay their jama, and fulfil other obligations which may exist and it recognizes the right as heritable and transferable.

The Act also protects the inferior holders. This it does by recognizing (under circumstances already explained)—

(1) the ancient landholders called dhárekarí;

(2) persons who by agreement or by custom are also (but less) privileged, and are called quasi-dhárekarí[2];

[1] *Survey Manual* p. 008. The lawázima refers to dues paid to support the necessary train or retinue; mán-pán is the precedence, position, or official dignity; the others are certain fees or perquisites in produce from the villages.

[2] Quasi-dhárekarís are the tenants above described as of reduced grade and called daspatkarí, dupatkarí, &c. They [illegible] tenants encouraged to settle by being [illegible] asked to pay small fixed [illegible] to the [illegible], or Government assessment; and that [illegible] the distinction to this day; the dhárekarí pay nothing beyond the Government assessment for the time being; the quasi-dhárekarí pays the assessment

(3) occupancy-tenants, i. e. all tenants who have continuously held since the revenue-year 1845–46

The rents of the tenants of different classes are limited and a reciprocal protection is given to the khots in case of recusancy or neglect to cultivate on the part of tenants. Reference must be made to the Act itself for details on these subjects. Sections in the Act describe how a survey is made, and how the registers show the rights of the different parties.

It may be mentioned that the khot, paying a lump-sum on the whole village, has the right to the waste numbers and unoccupied lands in his khotī. This led to a dispute as to whether all forest lands were necessarily within villages and so belonged to the khots the dispute was ultimately *compromised and the Act now provides that Government* may constitute State forests (or reserved forests as they are called), unless any special sanad or grant appears to the contrary. To make things pleasant, the khot is to receive one-third of the net profits of the forest, subject to

Act I 1880, s. 4 the performance of any condition for duty or service (such, e.g. as the Forest Act imposes) in connection with the forest.

The *Gazetteer* notices that though the khot holds all land in his khotī, it does not follow that all land in the district is included in one khotī or another. In the case of lands requiring expenditure of labour or money for their valuation, Government has always exercised the right of granting its own qaul or lease e. g. for tidal swamps (khâjan) or sand dunes (pulanvat).

SECTION V — ALIENATED LANDS.

§ 1. *Classification*

Wherever there was once a system of estates held by chiefs, there are also sure to be many relics of grants of the

plus certain additions specified in a Schedule to the Act. The right of these two classes are heritable and are also transferable.

king's revenue. For it is only the greater chiefs who form a graded series of rulers in connection with the central power: a large number of the minor ones either hold life-estates for their subsistence, or receive assignments of revenue which may include the land as well as the revenue right, or only allot a certain fraction of the collections in cash or kind. Some of those grants are connected with the obligation to apply a part of the income to the support of troops or to provide police. Others are connected with official position and duty in districts, subdivisions and villages. Some (in days of disorder) were simply usurped, and partook of the nature of 'black mail' levied on the villages.

It is always a matter of some difficulty to draw the line between revenue-assignment grants, and the overlord tenures described in the last section. It would be quite possible to consider the 'girás' allowance as among the revenue grants: the same might be said of the 'vánta' tenures. A revenue grantee very easily slips into the position of a landlord or rather overlord. Modern practice has simplified the matter. All lands held either revenue-free, or at a reduced rate, are called alienated lands, and are divided into certain classes: it is those we consider in the present section.

The term 'Alienated' [1] implies that Government has parted with its revenue-rights absolutely or to some extent (levying only a quit-rent,—a judi [2] or salámí). And

[1] But the term has also reference to the rather vague *ultimate* right of the State *as landlord*. In the General Chapter on land-tenures (Vol. I. pp. 234-240) I have discussed the position of Government in relation to the right in land. There is no doubt that our Government succeeded to the right of the former Government which certainly claimed to be general landlord. There is equally little doubt that our Government did not, as a general rule, retain the right, but used it as a *locus standi* for conferring a title on others. That was the case in Bengal, and in other provinces. But where, as in Bombay, Government does not legally create the landholders proprietors, but gives them the occupancy or survey tenure, it may be said that, in a sense, it still retains a sort of landlord right to itself. In that case in the exceptional tenures where the Government recognizes the grantee as *proprietor or owner*, it may be said to alienate the land. It has no further interest in it either as regards the revenue or as regards an ultimate right in the soil itself.

[2] I have not seen an explanation of this term, which is written Júdi or Jodi. I suggest that it may be a natural corruption from Juz, Juzi, the Persian-Arabic for a portion or bit. Wilson gives the word, but only as Telugu or Carnatic.

parting with the revenue-right, it also ceases to exercise the same control as over Government lands as for instance where whole 'inám villages are exempted from Survey Settlement except as to the boundaries

Rev de, sec. 6.

Unlike the 'inám of Madras, in the Bombay Presidency alienations of the revenue-rights called inám do not always include the land as well as the revenue. Sometimes the grant is of the revenue only i.e. the land being occupied by some one else, the revenue only is paid to the assignee. The returns of the Inám Settlement Department show land as well as cash ináms, though most of the former

The alienations are now classed as—

(1) Political.
(2) Service.
(3) Religious.
(4) Personal.

§ 2 *Political.*

The Political are the Muhammadan grants of jágír for the support of troops, or the payment of other service, and the Maráthá, Saranjám [1] these are said to be confined to the Násik and Khándesh districts in the Northern, and to the South Maráthá country in the Southern division.

No condition of service is now exacted, this having been commuted to a money payment and the grant is a personal distinction for life or lives, or in perpetuity as the case may be.

§ 3. *Service Inám—Watan.*

The service ináms are the most interesting: they were called chákarait in the north. They are now shown in the Village Registers according to their purpose thus we have village service —useful to Government (e.g the headman's and kulkarni's watan), and the village service, —useful to the community

[1] Saranjám is a Persian word signifying supply or provision for troops or the performance of particular duty; it has much the same meaning as Mokása, which was a share of the revenue appropriated t some special object, sometimes only the support of a chief, but usually including the obligation of keeping up troops, or providing for some service.

A special Act (Bombay) III of 1874 lays down the law regarding Hereditary officers and their watan. It provides against the alienation of the watan the commutation for service not required, and for the case where the watan is held by a family and one or more members (representative watandárs) have to be selected to perform the duty or where the family are of too high rank to work, or where, owing to the holders being incompetent, officiators have to be appointed [1] There were also similar grants for the surviving descendants of the old pargana officials (Desái Despándhyá, &c.) These watans are still held, though the modern revenue system does not find a place for the official employment of the families as such. Accordingly arrangements have been made, whereby a portion of the assessment is levied as a commutation for services no longer required.

B. A. III of 1874, 15 ...

§ 4. *Personal Inâms.*

The other heads of personal grants, are now simplified under the common designation of ját-inám. When they are settled and a title-deed issued, the word sanadia is added. The term includes all except the religious grants, which are not to *persons* but to *institutions* as temples (dewásthán dharmádev) mosques, &c.

Originally the personal grants as distinguished from the (official) service grants or watan, were very curious: by their names they often indicate their origin. All these tenures might be either quite free of revenue (nakra) or rent, or subject to a quit rent (salámia). Grants to religious persons (Moslems) were called wazifa. We also find grants made as hária (the victim's field) to support the family of a man slain in the defence of the village: ranvatia (the warrior's field) for the family of one slain in an attack on the enemy (cf. the *Marwat birt of Oudh* vol. II. p. 241). Still more curious was the hália (tombstone field) for support of a tomb in memory of some Chásan (bard) or Bráhman who had killed himself in the interest of the village. A

[1] See also Chap. XXIII of the *Handbook*, p. 499.

allowed all land actually in possession, even if in excess of the original grant [1]

If on receiving a notice to elect between a summary Settlement and an inquiry, the latter was accepted, the Act was referred to for the rules to be observed such as, for example, from what date a title was to be considered as prescriptive what princes and officials of former Governments were to be considered as empowered to grant 'ináms, so that sanads signed by such princes and officials might be regarded as valid when an adoption could be recognized and so forth.

The operations of the Inám Commission, and of the procedure under the Summary Settlement Acts have resulted in a considerable saving to the State. At the commencement of the inquiry the annual revenue alienated amounted
...od R. to more than R. 1,32,50,000. Of this R. 52,12 000 have been
...55,000, ...ah R. disallowed, leaving R. 80,38,000 alienated, as shown in the
...63,000. margin. Service tenures are about equal to personal, each accounting for about 33½ lakhs of rupees. Up to 1876–77 the cost of the departmental agency for inquiry into titles and Settlement of 'inám holdings, had been a little over 26 lakhs of rupees [2]

SECTION VI

§ 1 *Rights in Trees.*

In concluding the subject of land tenures, a convenient opportunity may be taken to allude to *rights in trees*; for these by no means always follow the soil occupancy In Government (unalienated) lands under Settlements made *before* the Code became law all trees (unless reserved under special orders) are held to belong to the occupant of the number Settlements, however made not only before the

[1] Accordingly by bringing waste under cultivation and derivi g profit from forest lands, th inámdár has a rental largely in excess of the lump-sum assessed on his estate.

[2] These figures (reduced to round numbers as regard the last three figures) are from the *Administration Report* (1882–83). I cannot learn whether this work is completed as yet or not.

Code, but before Act I of 1865 was passed, do not give a right to teak, blackwood (*Dalbergia latifolia*) or sandal wood, unless conceded in express terms. In Settlements *after* the Code, all trees not expressly reserved, go with the occupancy and so when an unoccupied number is applied for and granted. Rev. secs. 40–44

All trees otherwise belong to Government and so do road-side trees[1] The latter trees belong to Government while they live, but if they die, or are blown or cut down, they belong to the occupant of the land and the usufruct, i.e. produce of loppings, &c. (when lopping is allowed by the Collector) also belong to him.

But for a term of two years from the date of the Code becoming law the landholder was allowed to get the strip of land on which such trees were growing, cut off from his holding and the assessment reduced accordingly then the trees and the land vested in Government.

When trees have been reserved to Government, as above stated, it may be that the reservation is accompanied with certain privileges of wood for fuel or domestic purposes, and especially of lopping branches and cutting bamboos to burn and form ash manure for the rice-fields this is called Ráb. In such cases the privilege is exercisable under rules to be made by the Collector or such other officer as Government may direct[2] Sec. 4

In the Konkán districts the warkas numbers are an instance of this. The rice-lands in the valleys form the valuable wet cultivation, and lands on the higher ground or forest-covered slopes that yield casual dry crops of pulse and inferior grain, such as millets (called by the Maráthí generic term varkas'), are the less valuable, but still occupied, dry-cultivation numbers. They are not always assessed. For the purpose of the cultivation the whole of

[1] For rules regarding occupants buying out the Government right to fruit-trees, see *Handbook*, p. 186.

[2] For this information I am indebted to Colonel the Hon. W. C. Anderson, Survey Commissioner. See also N. Drew *Handbook*, pp. 173–75 for Rules under section 214 of the Code, Nos. 91–98, and Rule 111 for penalty; and see also p. 269, et seq.: it is a pity that this *Handbook* has not arranged the rules and orders regarding trees in one convenient series.

the trees are not removed, but the trees are lopped for ráb ; and hence the rights in question [1]

In alienated lands, as a rule, the trees belong to the grantee, but not teak, blackwood, or sandal, unless they have been specially conceded.

Warkas land (in the Konkán districts) though technically occupied, is really forest rather than cultivated land. It often contains *valuable trees hitherto reserved.* Rules 93-96 do not apply to this class. The Forest Department, in communication with the Collector manages the reserved trees, and is entitled to cut the teak, &c., to best advantage, and to obtain successive growth by coppicing, &c. (see G. O. No. 3462 dated 5th May 1883).

CHAPTER III.

THE REVENUE OFFICERS AND THEIR OFFICIAL BUSINESS.

Section I.—Revenue Officers.

§ 1 *Supervision.*

There is no Board of Revenue in Bombay but the District officers are controlled by the Commissioners of Divisions[1] The whole presidency consists of a little over 124,000 square miles, and 16½ millions of population, forming 23 districts[2] The Town and Island of Bombay are under a special Collector in direct communication with

[1] The Commissioner is directly subject to the Governor in Council (Code, section 4); divisions are constituted under section 5 and assistants to the Commissioner may be appointed under section 6.

[2] In Bombay the districts generally are Regulation except Pánch Maháls, and the Sindh districts, which are Non-Regulation. The distinction is now nominal (as explained in vol. I. pp. 50, 89) What is of importance regarding the law is that Sindh and the Pánch Maháls (and certain Marwári Chiefs estates) are scheduled districts (Act XIV 1874).

Northern Division:
1. Ahmadábád.
2. Kaira (Kherá
3. Pánch Maháls.
4. Broach (Bharoch).
5. Surat.
6. Thánà.

Central Division:
7 Khandeish (Khándesh).
8. Násik.
9 Ahmadnagar
10. Poona (Púná
11. Satára.
12. Sholápur

Southern Division:
13 Kolába.
14. Ratnágiri.
15. Belgaum.
16. Bijápur
17. Dhárwár
18. Kánara

Sindh Division:
19 Kurrachee (Karáchí).
20. Haidarábád.
21. Shikárpur
22. Thar and Párkar
23 Upper Sindh Frontier

Government. The other districts are in Bombay grouped into three Commissionerships, Northern, Central, and Southern the Sindh districts being under the Commissioner of Sindh.

§ 2. *The District or Collectorate and its Subdivisions.*

The Collectorate answers to what is called a district in other parts of India[1] And the Revenue Code introduces the term district in the general sense in which it is used
Code in India, providing that the present Collectorates or zil
9. lahs shall form districts.

7. The district consists of subdivisions called tálukás. These may be locally again subdivided into petá or tarf, but the official designation, under the Code, of a subdivision of a táluká (which has an assistant to the táluká officer
14 in charge) is mahál.

8. The Collectors hold charge of districts they are aided by Assistant Collectors and by Uncovenanted Deputy Col
9 lectors who may be placed in charge of a tract, consisting of one or more tálukás. The Assistant or Deputy in charge of a táluká or several tálukás, has all the powers of a Collector as regards the local area of his charge. But the Collector may reserve certain powers to himself, or assign them to another Assistant or Deputy Collector And under
. 10 Chapter XIII of the Code an appeal lies to the Collector Over the táluká is the mámlatdár answering to the tahsíldár of Upper India and when the táluká is subdivided, the mámlatdár's assistant is called the mahálkári. In the mámlatdár s office are assistants called kárkun and the head kárkun (like the náib-tahsíldár of Upper India) may have subordinate magisterial powers[2]

[1] Formerly in Bombay the term district was used as synonymous, not with a Collector' charge but with local division of it—the táluká. Th term zillah (zila') used also to be employed as a purely judicial term, and is now obsolete in Bombay as it is elsewhere The Collector head-quarters are sometimes described by the term huzúr which is the same as sadr in Upper India.

[2] See N Irne *Handbook*, Chapters III IV The orders regarding office work, establishment and duties, are here collected, and give an excellent view of district work generally Chapter V gives the duties of the Mámlatdár and his staff.

§ 3 *Village Officers.*

At the head of the village organization is the pátel. The pátel may have his watan, and then the pátel's family all share in the land and privileges, and one member who receives a remuneration from Government, does the duty of the office. He collects the revenue from the raiyats, conducts all Government business with them and should exert himself to promote the cultivation and the prosperity of the village. Though originally the agent of Government, he is now looked on as equally the representative of the raiyats, and is not less useful in executing the orders of Government than in asserting the rights, or at least making known the wrongs of the people [1] On receiving revenue from the raiyats, the accountant enters it in the Government books and issues receipts. The pátel is also the agency for reporting everything that is necessary to the mámlatdár [2]

Where there is a watandár or hereditary accountant, he is called the kulkarní. But there is no kulkarní watan in many villages, and even in some whole districts [3] In that case a *stipendiary* accountant called talátí is appointed.

The village menial, called mhár in the South Maráthá country dher in other parts is the guardian of boundaries, and is the messenger he it is who carries the revenue and the pátel's reports to the tálukú officer (the mámlatdár).

In some parts I find mention of a village watch called jáglia, as in Berár

The village system, says the *Handbook* (page 119) exists most vigorously in the Dakhan, where every village

Handbook Chapter VI (quoting Elphinstone). It might be said with more historical truth, that the headman (originally called ghodd) was part of the social organization. That at an early dat he became taken into the Stat interest and paid, and that now he is looked upon (once more) as the popular representative in the village. See some interesting remarks in Malcolm, ii. 11 4, and (as to the value set on the office of pátel) i. 60. See also Grant Duff, i. 26–29.

In Guzarát, in the joint villages the mothaddar of the páti, bhág or share is the headman; and revenue and police pátels for the whole are selected from the mutthaddárs.

Handbook, Ch. VI. p. 118.

has its full complement of watandárs. In the Coast districts generally it has not been so well preserved in Kánara there are no hereditary village officers at all [for there are no villages properly so called] in the Khotí districts of the Southern Konkán few watandárs of any sort; and in the Northern Konkán no kulkarnís, and but few inferior watandárs. But everywhere, under our Government, there is for every village either hereditary or stipendiary a pátel, an accountant, and a menial servant[1]

§ 4. *Inspection.*

It is here necessary only to notice as a feature of general duty that repeated inspection is made a great point of in Bombay Under any revenue system, indeed, inspection is of the first importance. Revenue officers must constantly control their subordinates, otherwise they cannot develop the revenues of the district, or ascertain whether the revenue assessment is burdensome or easily borne whether the public health is good whether irrigation works, and the making of roads, tanks, and wells tree-planting and such like improvements are attended to whether education flourishes and the people are happy and well-governed. Without seeing for themselves, and freely mixing with the people, and hearing what they have to say locally and without the restraint of a public office and the presence of subordinate officials, they will never know what is going on in the district, and what the effect of administrative measures, and the working of Rules and Acts really is, as felt by the people at large. Moreover for revenue and statistical purposes, the village accountants have everywhere to furnish statistics of crops, of land transfers, and so forth these will be filled in any how if the makers of them do not know that a supervising officer will examine the records and check them occasionally on the ground. Village accounts will fall into arrear and revenue receipts fail to be properly given, if the accountant does not know that at any moment his papers may be called for The Government

[1] *Handbook*, Ch. VI. p. 86.

deals with each individual landholder and therefore it is more than ever essential to see that his payments are properly acknowledged the examination of raiyats receipt books (kulruzuwát) is therefore a regular branch of inspection duty

So also in the constant maintenance of the field boundaries, on which everything, I may say in a raiyatwárí Settlement, depends. The local subordinates are primarily charged with the duty but their work has to be examined and checked by the superior staff.

There is no province in India to which these remarks do not apply But a raiyatwárí Settlement requires, perhaps more than any such inspection. It is therefore laid down as a rule that Collectors and Assistants are to pass the greater part of the year in camp only the four monsoon months, as a rule, being spent at head-quarters.

§ 5. *Maintenance of Records.*

To these remarks I have only to add that the *maintenance* of the records prepared at Settlement, has the same importance that it has in every other province. It is no longer intended to allow the records to fall out of correspondence with existing facts, so that a revision Settlement will all have to be made anew The maps and records have to be continually kept correct by noting up all changes as they occur The Director of Land Records and Agriculture is appointed mainly to see that this is done. But it should be observed, that there is this difference between the raiyatwárí survey and that of other districts; in the latter the maps have to be altered to correspond to changed boundaries; in the former the boundaries have to be kept correct according to the maps[1]

[1] There may of course, be new roads, drains, wells, &c. t be entered on copies of the maps; but cultivators cannot alter the fields at pleasure as they can in N.W. India; the survey fields are never altered; changes by part sales, by subdivision and so forth, must be regularly reported, registered and demarcated according to a prescribed practice; and the maps may have to show new authorised subdivisions accordingly

Section II.—Revenue Business.

§ 1 *The Jamabandí or Annual Settlement.*

The raiyatwárí system always requires an annual inspection or Settlement, so as to ascertain the extent of fields in actual occupation for under this system every field has its own assessment, but the number of fields actually held by any one raiyat is liable to vary and consequently the revenue for which he is responsible for the year The necessary returns have therefore to be made out annually in each village and carefully checked. The work should be all done by the 15th February or at latest the 15th March, as the official year ends on the 31st March. The jamabandí is ordinarily made by the Assistant Collector in the tálukás in his charge but the Collector is required to make it personally in a certain number of tálukás, in such a way as to go over the whole district in the course of a few years.

The *jamabandí* of Bombay is, owing to the simplicity of the assessments and the absence of any annual remissions due to special rules, and owing also, to the superiority of the village accountants, a matter which requires much less detailed instruction and explanation than elsewhere. In Nairne's *Handbook* the subject is disposed of in a few brief paragraphs[1]

In Hope's *Manual of Revenue Accounts*[2] the forms used for the jamabandí work are described. The first step is a preliminary inspection of the lands, to see that, if occupied, they are so by the parties in whose names they are entered, or by their representatives if unoccupied, whether any income derivable from the grass, &c., can be got in, whether any land has been occupied without authority and what crops have been grown.

The village *kulkarní* has filled up, after such an inspection, Form 2 of the village accounts, which is a register of assessed, but unoccupied, numbers, and will at once show if any has been wrongfully occupied, and also what amount has been got for the grass, or fruit, while the land was lying unoccupied; also Form 3, which is the general

[1] See *Handbook*, p. 85.

[2] Third ed., 1887 pp. 2 and 3.

land inspection report, showing the crops and the actual state of all land whatever There is also a report on *the state of the boundary-marks* of each survey number on the Register[1] With this information the ledger account (No. 5) of each occupant, can be opened, and also what is called the rent (revenue) roll (No. 6), which is a statement in twenty-six columns, showing the demand against each person, up to the *jamabandí* time, and having separate columns for demands which arise afterwards.

All this information is abstracted in the No. 10 Form, or Tharávband, on which the officer conducting the *jama bandí* records his approval, as showing that he is satisfied as to the account of the whole area occupied and its revenue. No. 10 is accompanied by certain forms (Nos. 7 8 and 9)[2] which are intended as checks on it. These together form what are called the *jamabandí* papers.

§ 6 *Relinquishment and Occupation of Land.*

I have already said something under the head of rights in land, to explain the procedure in taking up and relinquishing fields (p 270 ante). The raxnáma or application is presented to the mámlatdár If an entire number is relinquished, the process is very simple. The relinquished number is available for any applicant, and if *not applied for is sold by auction as fallow land* (for the grazing on it) during the year If only a recognized share of a number is relinquished, the share must be offered to the other sharers in the order of the largeness of the amount payable by each as revenue. If all refuse to take it, they remain proportionately liable for the revenue of the relinquished share, till some one takes it up. This, in effect, compels the sharers either to take up the share, or else to join with the sharer desirous of relinquishing, in Rev Co sec. 99.
giving up the whole number

[1] I refer t the Register (or Form N 1)—the permanent descriptive register of survey numbers in the village. (See p. 245, ante.)

[2] These show the total area and assessment of village the deductions for all kinds (as uncultivated, inám, unoccupied), and the balances; then the miscellaneous revenue and then the columns comparing the present year with last year

which goes so far as to separately demarcate, number and register (under the new names) in the revenue records, the partitioned plots or there may be a process which is analogous to a partition, in which the shares are ascertained and recorded by symbols—as so many annas to each sharer but not separately demarcated on the ground or given new numbers. The recognized shares are practically separate, as far as the liability for revenue is concerned, and each recognized sharer can ordinarily be held liable only for his own share. If a partition, or at least a record of shares separately assessed, has not been made the one person whose name is, according to rule, always entered as registered occupant of the number, remains liable for the whole revenue, no matter how many sharers really hold along with him.

Under the Code, the partition spoken of is the complete partition. It must be made if possible, so as not to divide existing survey numbers, but it should be contrived so as to give one or more whole numbers to each sharer The splitting up of an existing survey number is only resorted to if really necessary and even then it cannot be allowed if it would leave any of the newly-constituted numbers below the minimum size[1] Any bit of land that is over and can not be further divided out, owing to this restriction, is either given over by consent to one of the sharers on his making up the value of it to the other sharers, or it is sold and the proceeds distributed[2]

At time of survey or revision of survey the survey officer can, of his own motion, subdivide any field, and give new numbers and separate assessments without any formal procedure for partition.

Any one can apply for partition if he is admitted to be a co-sharer and is so recorded, or if he can get a decree of a Civil Court that he is a sharer

[1] The minimum also has been variously fixed according to the circumstances of the different districts. See page 17 ante. In that case only the record of shares and fractional payment can be made

[2] There are also special rules for joint estates like khoti tenures, into the details of which I do not enter

§ 11 *Law regarding Payment of Land revenue.*

In Bombay as already remarked the registered occupant is primarily liable for revenue in Government lands, and in alienated lands (where revenue is payable) the superior holder—the grantee

If the person primarily responsible fails to pay a co-occupant of any alienated land, or a co-sharer in alienated land or the inferior holder or person in *actual* occupation, is next held liable. In the latter case credit will be allowed to the inferior holder for such payments, in all demands against him, by the superior holder for rent. The revenue is paid in instalments fixed by the order of Government. It is technically due any day after the first of the *agricultural year* which begins on the 1st August, and ends with the close of the 31st day of July following

The Bombay Code requires revenue officials and others to give receipts for payments of revenue superior holders are equally bound to grant such receipts to their inferior holders.

The land revenue is a first charge taking precedence of all other debts and mortgages on the land, and is also a first charge on the crops There are certain circumstances under which the Collector is empowered to attach the crops (either to prevent the reaping or the removal of the grain when reaped, according to circumstances) as a precautionary measure to secure the current year's revenue but only *one* year's revenue.

Revenue in arrear is revenue not paid on the instalment-due dates. Interest or a penalty may be charged on arrears under the Bombay Code; a scale of such penalty or interest-rates being fixed by Government. A statement of account certified by the Collector his Assistant or Deputy is conclusive evidence of the arrears.

Rev. sec. (cl.)

Id. (

Sec.

Secs. 59.

Secs. 140 5

Sec.

Sec.

§ 12. *Recovery of Arrears*

I do not propose to go further into detail as to the process of recovery than to say that it can be effected by—

(a) serving a written notice of demand

which goes so far as to separately demarcate, number and register (under the new names) in the revenue records, the partitioned plots or there may be a process which is analogous to a partition in which the shares are ascertained and recorded by symbols—as so many annas to each sharer but not separately demarcated on the ground or given new numbers. The recognized shares are practically separate, as far as the liability for revenue is concerned, and each recognized sharer can ordinarily be held liable only for his own share. If a partition, or at least a record of shares separately assessed, has not been made the one person whose name is, according to rule, always entered as registered occupant of the number remains liable for the whole revenue, no matter how many sharers really hold along with him.

Under the Code, the partition spoken of is the complete partition. It must be made, if possible, so as not to divide existing survey numbers but it should be contrived so as to give one or more whole numbers to each sharer The splitting up of an existing survey number is only resorted to if really necessary and even then it cannot be allowed if it would leave any of the newly-constituted numbers below the minimum size[1] Any bit of land that is over and cannot be further divided out, owing to this restriction is either given over by consent to one of the sharers on his making up the value of it to the other sharers, or it is sold and the proceeds distributed[2]

At time of survey or revision of survey the survey officer can of his own motion, subdivide any field and give new numbers and separate assessments without any formal procedure for partition.

Any one can apply for partition if he is admitted to be a co-sharer and is so recorded, or if he can get a decree of a Civil Court that he is a sharer

[1] The minimum size has been variously fixed according to the circumstances of the different districts. See page 7 etc. In that case only the record of shares and fractional payment can be made.

[2] There are also special rules for joint estates ... the details of which I do not enter

estate holders, a Commission enabling them to exercise directly certain powers for recovery of revenue or rent This does away with the necessity for summary suits for rent.

§ 13 *Remissions.*

I should here remark that there is no *system* of remissions such as the Madras practice rendered it necessary to describe. Of course, on the occurrence of any calamity as famine, or flood or locusts, the Government will grant special remission and when a revised Settlement is introduced which increases the rates, a partial remission may be allowed so as to bring up the full rates gradually and not all at once. In the old days, under the earlier excessive assessments, remissions at *jamabandi* time were almost matters of course but that state of things has long passed away

§ 14. *The One-anna Cess.*

There is no other charge beyond the land revenue assessed (unless under the Irrigation Act for water supplied) except a cess of one anna for every rupee of assessed land, under Bombay Act III of 1869 and applied for Local Fund purposes, i. e. district improvement, roads education, &c.

§ 15. *Procedure.*

The XIIth Chapter of the Code contains rules for the *procedure* of revenue-officers when making an inquiry or transacting any business under the Act; and the XVth Chapter provides for appeals from orders.

I do not propose to enter into details, but generally the Chapter gives power to summon witnesses as under the Civil Procedure Code. All inquiries are classified into formal and summary In the former evidence is recorded in full, and so is the decision in the latter only a memorandum of the substance of what the parties and witnesses state is made; the decision and the reasons for it being also recorded.

Unless the Code expressly directs that any inquiry is to

be formal or 'summary, the question which is followed, is determined by rules made by Government, or, in their absence, by the orders of the superior officer, or by the discretion of the officer holding the inquiry with a view to the importance of the case and the interests of justice.

It may be necessary also to allude to Bombay Act X of 1876 which provides for the exclusion of the jurisdiction of Civil Courts in certain matters of land revenue administration.

CHAPTER IV

THE LAND-TENURES AND SETTLEMENT OF SINDH

[illegible] L—[illegible]

§ 1. *Sketch [illegible] of the Land*

THE *Sindh Gazetteer*[1] states [illegible] the provinces are of an extre[illegible]

This simplicity is probably [illegible] the fact that the original form in which the villages [illegible] and organized is now almost irretrievably [illegible] the village headman only survives in name, he being probably a relic of the days when the system of local chiefs was at its zenith, and when a headman [illegible] for every village was selected as the person with whom the chief would deal. This is indicated by the names of headmen, which imply forward-man, respectable man, and so forth— Wadéro, Nékmard, or Dihdár (village-holder). This decay of original tenures is only what we should expect after a long course of troubled history, in which dynasty overthrew dynasty with hardly any breathing time of peaceful development. There can be no doubt that the country was once partly held [illegible] Hindú (or at any rate a Hinduized [illegible]) organization; part also was conquered by [illegible] tribes and families of later origin. The [illegible] at one time, the general existence of overlords over [illegible] or smaller areas according to circumstances [illegible]

[1] *Sindh Gazetteer*, 2nd edition, 1876, A. W. Hughes [illegible] (G. Bell and Sons).

lords, in later times received the Protean name of Zamíndár[1] They were recognized originally not as the soil owners—for very little value was attached to the soil, but as chiefs entitled to certain dues from their subjects and in later time they became managers of the local land revenue under whatever conqueror happened to hold the supreme rule. They are now spoken of as landlords, not so much because in the native idea, the soil belongs to them, as because they claim a certain right in the produce of all land, and once had the *control* of all cultivation within their estate. In process of time the zamíndárí families multiplied and, as elsewhere *divided their interest or property* so that *now* there are only a few great, and many small, Zamíndárí holdings.

Some parts of the country were held in the same way by Jágírdárs, who were very like Zamíndárs, except that they had to maintain bodies of troops. This historical condition of things it will be our business to develop and explain.

But to complete our preliminary survey, and coming down to the times of the Settlement which followed the conquest in 1843 it will be enough to notice, in this place, that it was the policy of Sir Charles Napier to discourage claims of overlords, and deal with the cultivating occupants of land direct. In very many cases the old overlord families had already decayed and sunk to the rank of petty landholders, whose subdivided estates had gone down to the size, and assumed the form, of cultivating occupancy holdings.

§ 2. *Summary of Forms of Tenure.*

Regarding then the land tenures in their *actual condition* we have to study:

[1] Just as in the South Panjáb. Cf. vol. ii. p. 657 seq. As the different clans conquered and established their rule over different sections of the country the chiefs and members of the family took the zamíndárí right over the villages or exacted a haq-zamíndárí, or 'overlord' fee or rent, and claimed more or less extensive right over the waste. These rights are now only in partial survival.

(1) A somewhat decaying system of (Zamíndár) over lords, with tolerably definite claims to certain dues from the landholders and certain indefinite claims over unoccupied or waste lands in their estates, and consequent claims on occupants who settled on that waste

(2) under these overlords we have groups of individual landholdings, on the survey tenure we can hardly call these groups *villages*.

Whatever their social organization or constitution may once have been, it has now decayed. What we may for convenience call villages are mere groups of unconnected individual soil tillers, but with reminiscences of a more organized or corporate system, doubtless originating in tribal conquests and territorial allotments, the land having been divided out among the families either for direct occupation or in overlordship over earlier settlers. Even the village headship as before stated, is little more than a name and an Act was passed in 1881 with a view to supply the want, by gradually reconstructing a staff of village accountants (tappádár), police pátels, and watchmen[1] &c., when a revenue Settlement gave the opportunity

(3) We have a number of petty zamíndárs, now sunk to occupying their own lands, and so to be hardly if at all, different from ordinary occupants on the survey tenure

(4) we have certain tenures (as usual) arising out of the grant, by the State, of revenue privileges.

SECTION II.—EARLY HISTORY

A brief outline of the history of Sindh will be necessary because each succeeding power has left some marks which survive to this day

At first, tradition informs us, Sindh was occupied by tribes of the Jat and Rájput clans who are found all over

[1] The pagi (or paggi) is not only the watchman, but the tracker who follows (sometimes with extraordinary skill) the traces of stolen cattle and the thieves.

Northern India down to Bíkanír and Rájpútaná. These original tribes were conquered by Arabs of the Caliphate, under Muhammad Qásim Sákifí (A.D. 713). The Khálifa rule, however, was not destined to last. In fact, it survived scarcely more than a century and a half, growing weaker and weaker till it practically, but not altogether in name, ceased in 871 A.D. Once more local kingdoms reared out of aspiring tribal chiefships, established themselves at Multán and Mansúra the latter including most of the country now called SINDH. When Mahmúd of Ghazní invaded India, there was still a Supreme Governor nominally representing the Khálifa. About the middle of the fourteenth century, the Ghazní power was overthrown by the Samá (or Shammá) tribe, who were originally Yádava Rájputs, but at an early date adopted the Muslim faith. They came from Kachch (Cutch). After the reign of fifteen kings of this line, the Samá dynasty was supplanted by the Arghún dynasty from Kandahar (Qandahár). In the end the province was united under the Mughal rule, A.D. 1592. But various native families rose to pre-eminence as local chiefs, such as the Daúdputrá and the Kalhorá. The Mughal rule was, in turn broken by the Afgháns under Nádir Sháh; after him Ahmad Sháh Dúrání obtained the rule, and the local princes became tributaries.

In 1783 the (Bilúchí) Tálpur family rose to power as Amírs[1] and split up the country into portions, each held by a member of these families. These were 'the Amírs of Sindh, from whom the country was conquered in 1843 under Sir Charles Napier.

§ 1 *Modern Territorial Division*

Sindh is now formed into three large Collectorates[2] called Karáchi Shikárpur and Haidarábád and two Political

[1] The Tálpurs are specially noted as having granted jágírs to chiefs of their nation (Bilúchí) and as having formally established zamindáris. Under the Amírs, the administrative division of the country were called parganas, and they were subdivided into tappas, which were governed by Kárdárs. —*Gazetteer*, p. 46.

[2] It will be observed that though Sindh is non regulation, the district officers (with the exception of two whose position is peculiar) are called Collectors, not Deputy Commissioners as elsewhere.

Districts—(1) the 'Upper Sindh Frontier District, under a Political Superintendent, who is magistrate of the district, and in command of a military force it includes the tál ukás of Jacobábád, Mírpur and Kashmor (2) a similar district, Thar and Párkar a tract of over 12,439 square miles, also under a Political Superintendent it consists of the tálukás Khiprá, Umrkot, Mittí, Diplá, and Nagar Párkar Part of it is desert.

In the Collectorates (which are more like divisions) each of the sub-collectorates or sub-divisions is as large as a district in other provinces—

Haidarábád	Naushahro—(3067 square miles). Halá. Tándo (Tándo-Muhammad Khán). Haidarábad.
Kurrachee (Karachí)	Sehwán. Jhírak (Jerruck). Sháhbandar. Kohistán—(a large tract of 4058 square miles). Kurrachee.
Shikárpur	Rohrí. Shikárpur and Sakkar. Larkána. Mehar

SECTION III.—THE LAND-TENURES

(A) Zamíndárí and Occupant-Tenures.

§ 1 *In Early Times.—Overlord Claims.*

I have stated that before the invasion of Sindh by the Arabs under Muhammad Qásim Sákifí in A D. 713 the country was occupied and ruled by tribes of Hindus or Hinduized clans, calling themselves Játs. They had their capital at Aror (or Alor) on the Indus and it is said that the dominion extended as far south as Surát (in Bombay), including the Káthiáwár country

Other Hindu (Ját and Rájput) tribes appear to have immigrated about this time also.

A remembrance of this period is still retained in the Rohrí subdivision of the great Shikárpur Collectorate where the Upper Sindh Zamíndárs claim to be representatives of

the original tribal chiefs[1] This reminiscence is interesting as probably representing what was originally the general state of things AmongJát and Rájput settlors, we constantly find the conquering chiefs, each ruling a certain allotted area of country being often (but not always) in a sort of feudal subordination to some greater Rájá of the tribe, or in later times paying tribute for retaining their position under a conqueror

The different Muhammadan rulers of after-days, seeing such an organization already existing in the country made use of the chiefs as Zamíndárs, and thus the institution grew into its later form. We have several times seen this fact illustrated, as e g in the history of Bengal and Oudh.

Rohrí, it seems was originally the seat of three tribal settlements —(1) Daharkí, the seat of the Dahars (the *Gazetteer* calls them Dhars, and says they came from the country beyond Delhi), occupying the Ubauro tálukás, and the north part of Mírpur; (2) Maharkí the settlement of the Mahars, another immigrant tribe, in Mírpur and in the Ghotkí tálukás (3) Dhárejkí, the land of the Dhárejas (part of Ghotkí, Saiadpur and Rohrí).

At first these tribes fell away before the Arab invasion, but were converted to Islam and regained their possessions. The chiefs were known by the title Jám. The Arabs, however bestowed on the head chief the title of Arbáb, and the Mughal sovereigns subsequently gave the title of Khán. Dr Pollen informs me that the land was originally allotted among the tribesmen and, no doubt, on a plan similar to that observed on the North West frontier of the Panjáb—groups of holdings forming the separate allotments of families of one clan and there are traces of the common custom of periodical re-distribution of holdings.

The chief's authority was supreme in his clan; and he managed the collection of the revenue or grain-share which the conquering rulers of Sindh exacted.

[1] I am indebted for this and much other information about Sindh, to the kindness of Mr J Pollen, LL.D of the Bombay Civil Service who was for a long time employed in Sindh.

But the chief or Zamíndár as we may now call him, had his own personal due (as chief) from his clansmen, and that was called the lápo or both hands-full, of the grain[1] it varied from $\frac{1}{6}$th to $\frac{1}{16}$th of the gross produce.

Thus, and indeed all *subsequent arrangements, point, not* so much to any personal right to the soil, in the European sense of proprietorship but to an idea of authority and right to service over persons, which involved the payment of a produce offering this being the only form of payment possible in a country where cattle (as a source of wealth) are not known, and where in early days money would be extremely scarce.

The growth of the Zamíndár's right was exactly what it was elsewhere. In after-days as the exactions of the ruling power became greater the Zamíndár was obliged to increase his demands on the people by means of cesses; and *thus the original limits of the chief's right* were overstepped. Thus, we hear of dih or ráj kharch, an exaction supposed to be required to cover the expenses of the village, tobro a cess for feeding the chief's horse (tobra = a nose-bag), and málikána, or owner's fee this probably being a due paid on the private or personal lands held *by the chief, or on* lands claimed as *such. We can* observe also the usual transformation, however gradual, from a local overlordship to an actual landlord claim.

§ 2 *Tenancies.*

As soon as the Zamíndár's authority was developed, it was natural that certain privileged under tenures should arise while at the same time the claims of the family groups settled under the Zamíndár-chief would grow indistinct. Wherever the extension of cultivation was possible, the chief would ignore the fact that the waste was (theoretically) within the limits of a given village. Cultivation is only possible in Sindh, within reach of the river i.e.

[1] Lapo means a piece, or one-hand-full; lápo, what fills both hands it is suggested that lápo may be an old plural or rather dual form of lapo.

where either a canal can be taken or the sub-soil is moist enough to enable a well to be sunk to a reasonable depth And the chief would naturally use every means to increase his lápo by inducing settlers to extend cultivation without regard to boundaries. In all such places, the chief was regarded by the new-comer as the 'landlord ; at the same time the cultivator was a privileged person because of his services. For example, those who would undertake to clear the scrub (locally búrapati) would be excused from the batái, or grain-dues for the State, and only pay lápo in acknowledgment of the chief's authority Inside originally cultivated areas also, clansmen would be encouraged to sink wells. In this way the class of privileged tenants, known in Upper Sindh as maurusí hári, who have a permanent interest in their improved holdings, grew up. We hear also of tenants now called second class háris —also privileged, because they cultivated and improved the Zamíndár's own personal estate or holding.

§ 3 *Bilúchí (Canal) Zamínddrís.*

In later times the Kalhorá chiefs and the Mirs introduced large bodies of Bilúch settlers to dig canals, as these canals would improve the whole estate. The pre-existing Zamíndárs were induced to give up strips of land called tak, which were the sites of the new canals these became separate zamíndárís within the older ones as it were. The chiefs of the Biluch settlers became Zamíndárs of these 'taks they allotted them in the usual fashion to subordinate settlers, the canal-diggers and proceeded to take lápo from them.

So firmly implanted was this idea of groups of tribesmen under a Zamíndár chief[1] that it came to be understood that all land was theoretically under *some* Zamíndár

[1] The reader will find in the notice of Multán ten res (Panjáb) much that will help to illustrate Sindh tenures. There we find cases f settlers voluntarily (by a sort of pretended sale) putting themsel es under the protection of a zamíndár and paying him a certain due called hák-rakhái, or protection fee. See vol. II. p. 657.

and where there was actually no such person, the Govern ment was supposed to be Zamíndár and to take the lápo.

§ 4. *Later History of the Zamíndárs.*

The rulers of the country always adopted this system, and made the Zamíndárs responsible for the State share in the produce, which, as we shall presently see was paid in kind—while the managers were allowed, undisturbed, to get their own lápo málikána, and other dues. In a few cases favoured Zamíndárs were allowed to make their pay ments to the State in cash or mahsulí, as it was called. In that case the batái, or grain-share of the State, was taken as usual by the chief, only he did not account to the State officers for it all he had to pay was his mahsúl or peshkash.

In course of time, however the Zamíndárís became much divided by the custom of inheritance (for on the death of the chief, his sons divided the estate), and so the lápo came to be divided among many sharers[1] but there usually remained one (of the elder branch or otherwise) who was *the* Zamíndár *par excellence*; and he managed to secure his own dues.

In this way it has happened that many estates have been broken up, and the divided families hold single villages or even less; such petty Zamíndárs become the immediate holders and cultivators of the land, with or without the help of tenants.

It is stated that at the present time, while there are still some great overlord Zamíndárs holding their own private lands in direct tenure, and other villages as overlords, the majority are petty landholders one half the entire number do not hold more than ten acres, and not more than one-sixth of the estates exceed thirty acres.

The original tribes were nearly all converted to Islám so that formerly the acknowledged Zamíndárs were all Mu hammadans but in later times many zamíndárí holdings have been purchased by Hindu traders and others[2]

[1] See *Gazttr.* under Naushahro, p. 621. [2] *Ad. Report*, p. 40.

§ 5. *Zamíndárí Claims how dealt with at Settlement.*

In this decayed and altered condition, it is hardly surprising that under a raiyatwárí system of Settlement, a uniform or completely satisfactory method of dealing with such lands as were still Zamíndárí, should not at once have been devised. Not that a raiyatwárí system is, *per se*, incapable of admitting the necessary modification but in Sindh it was Sir Charles Napier's policy to discourage claims of Zamíndárs, and deal directly with the occupants of land so that at first any adaptation of the system to the facts was not much thought of.

The limits of the various Zamíndárís were well-known and jealously watched by rival chiefs. But little or no notice was taken of these limits on the introduction of the Revenue Survey because so much of each individual estate was waste. In theory a raiyatwárí Settlement is averse to recognizing large areas of waste as occupied, because every occupied number ought to pay revenue, and it is difficult to make waste areas pay

At our first Settlement in Upper Sindh, accordingly the waste area was surveyed into large blocks[1] Where the Zamíndárí right appeared clear the Settlement of the whole was offered but the Zamíndár could not afford to pay assessment on the whole, and the offer was uniformly declined. The land was then entered in the Survey Records as Government waste. In 1875 the Zamíndárs were offered leases of tracts including a certain portion of the waste, on a general reduction of assessment (about 30 per cent.), but even this did not prove sufficiently attractive They

In Sindh the area of land occupied is much larger than the area actually under crops at any one time; for frequent fallows and changes are necessary, even where there is irrigation of some kind. If nce in every estate the uncultivated part at any given time is largely in cess of the cultivated

On canals, the water is sometimes available by flow and sometimes by raising with a Persian wheel. The term charkhá — the area irrigable by one wheel—denotes a common land measure and harlo is half a harkha (*Gazetteer*, p. 617). Cultivation by rainfall is only possible in a narrow strip under the hill of the western frontier where the ravines on the hillsides carry down with the rain water a fertilizing mud tilled in cultivation. (Cf. the Dáman of the Deraját in the Panjáb.)

preferred to pay on what is called the new system, which will be described presently [1]

Where an hereditary tenant was in possession, he was treated as the revenue paying occupant, and he was left to adjust the payment of lápo to his Zamíndár as a matter of civil right between themselves [2] Where this was done a difficult question might arise for the occupant might fall into arrears and his holding be sold. It would then be a question whether the purchaser who took the occupancy should pay lápo to the Zamíndár as his predecessor did? The question has not yet been settled, but a special inquiry has been made, and the orders of the Bombay Government are awaited (1888).

Of course, when an occupant takes up waste claimed by a Zamíndár but not allowed to be his at Settlement, the occupant will resist any payment of lápo with good reason.

§ 6 *Résumé of Tenures (Revenue-paying).*

The number of large Zamíndárís remaining as overlordships is, as I have said, now limited. What with the subdivision of families lapses, indebtedness—with its consequent mortgage or sale, a large quantity of land has come to be held direct on the survey tenure and in modern days, the revenue paying (or in Bombay official language, Government) lands appear in the following classes —

(1) Larger Zamíndárís, the landlord being superior Settlement holder with some privileged, and other ordinary tenants under him.

(2) Smaller Zamíndárs working their own land direct, and therefore being themselves the registered occupants, on the ordinary survey tenure.

(3) Registered occupants, not being of the Zamíndár class; some of them may be holders of land where there never has been a Zamíndár or

[1] See Stack Memorandum on Current Settlements, 880, p. 523.

[2] In some cases the Maurúsi-hári finding himself the direct Settlement holder tried t refuse lápo but the Civil Courts, I am told, generally uphold the claim of the zamíndár.

where the right has died out, or has been over ruled, or not recognized at Settlement. Some of them, again, may be persons[1] acknowledging their obligation to pay 'málikána' or lápo to some overlord, but who, under the circum stances, or under orders passed pursuant to the policy of the Settlement, have been themselves recorded as the registered occupants.

(4) There are *tenants*, not recorded as inferior occu pants, holding under the Zamíndár (who is the only recorded) occupant.

(B) Revenue-free Tenures.

§ 7 *Jágírs.*

As might be expected where the history of the country is one of a long series of successive conquering govern ments, and the rise and fall of local chieftains, mostly Muhammadan, the jágír tenure figures prominently. When-ever there was any general rule over Sindh or part of it the ruler (or Amír in later times) would make over the remoter and less-easily held districts to military chiefs who were permitted to realize the revenues, on condition of keeping order and supporting a body of troops for State service when required. Grants of this kind, when long established, were recognized and maintained (under suitable conditions) under British rule.

In Bombay revenue language, as we have seen, such estates are called 'alienated' as opposed to 'Government' lands, which pay revenue. It did not follow in the least that the jágír-grant originally gave any defined right in the soil, but, inasmuch as in many cases a large portion of the area was waste and the jágírdár a man of power and sub-stance he would not only naturally slide into the position

[1] The maurusi-hari of Rohri pays only his fixed and unenhanceable quit rent (from 6 to 12 annas per acre) payable usually in kind on grain crops, and in cash on vegetables, or garden crops. Other tenants under zamindárs pay both the revenue and the zamíndárí dues, whatever they may be by custom.

of owner of what was uncultivated, and afterwards colonized or reclaimed by his exertions, but also get into his hands much old cultivated land too

The *Gazetteer* mentions[1] that Sir Charles Napier issued a proclamation to all jágirdárs, promising that if they came in and tendered allegiance their estates would be confirmed to them. Nearly *two thousand* grantees presented themselves accordingly

The jágirs are now classified according to the antiquity of their origin.

Those *prior to* the accession of the Tálpur dynasty in 1783 A.D. are called first-class, and are permanent heritable estates.

Those granted in the first years of the Tálpur dynasty are called second-class, and those of the concluding years are in the third and fourth classes.

Speaking generally those of the second class would lapse on the death of the holder unless a succession fee or nazar ána were accepted to continue it.

The third and fourth classes will eventually lapse on the termination of the life or lives for which they were recognized.

For practical purposes, as regards the extent of the estate, the following jágirs are recognized as first-class (1) those which are absolute, as above described ; (2) the jágirdárs of four families connected with the Tálpur ruling race and (3) those of certain selected sardárs (or chiefs).

The first class were allowed the whole estate (waste and cultivated) as it existed in 1843 The Tálpur families jágirs were subject to giving up about a third of the area as unoccupied waste. The holder was offered the option of surrendering the third at once, and getting *the rest* as a permanent heritable estate, or of retaining the *whole area* for life only If he accepted[2] the latter his immediate heir might secure the succession by surrendering the third or

[1] P. 49.

[2] The four great Tálpur families possessed 19,35,908 bighás at conquest, and were confirmed in their title to 9,73,940. Selected sardárs held 6,58,560 bighás and 1,06,673 were secured to them.

he could take the whole, subject to payment of a chauth,' or fourth of the revenue on the entire estate. But the heir after him could only get a number of bighás mentioned in the sanad, as permanently re-granted and, measurement being made, all the surplus would have to be surrendered.

In the case of the selected sardárs, various terms were made according to rank and position but no larger permanent jágír was granted than 5000 bighás.

The succession to jágírs is only[1] to lineal heirs male

They are subject to local cess of 5 per cent. on the assessable value of the jágír

§ 8 *Hakálo*

Jágírs are also liable to a rate for clearing and maintaining the canals that water the estate the work being done by the Irrigation officers. This rate was levied when Colonel Jacob, the Commissioner in September 1856 abolished the forced (and unpaid) labour in Sindh, by which canals had hitherto been kept in order The rate taken was three annas per bighá or six annas per acre[2]

The rate is called haq-ábo (water right) commonly written as one word—hakábo.

It must be remembered that in Sindh canal water is not only an advantage, but a necessity In other provinces land may have a certain value as unirrigated When a canal is dug, the land itself acquires a higher market value by reason of its being able to get water hence, apart from the question of paying the price of the water the estate itself pays a higher assessment (water-advantage-rate or owner's rate, of Canal Acts). But in Sindh without the irrigation, the land would have no value; hence this principle does not apply in fact, whatever land revenue is assessed is so on the basis that the land has the advantage

[1] See the Government of India, Revenue and Agricultural Department, Proceedings N y 863 (Nos. 46–48).

[2] The rates have now been fixed by Government Resolution, N 48 I. L.–624 dated 22nd November 1880—

	Maximum.	Minimum.	
Rice land	10 annas	7 annas	per acre
Other land	8 annas	3 "	per acre

of being irrigated. As therefore the jágírdár is the assignee of the Government revenue assessed on such an under standing it has been ruled that he is not liable to be assessed to water rate over and above the hakábo.

The hakábo is in fact, a commutation rate paid because the Government repairs, clears, and maintains, the canals, whereas in old days the jágírdár was bound to do the work at his own cost[1]

§ 9 *Minor Revenue Free Grants.*

For the other grants of this class, I extract from the *Administration Report* of 1882–83 :—

A distinct class *of permanent alienations is found in the* neighbourhood of Shikárpur namely what are termed ' pattadári " grants. These are said to have been originally grants under leases (patta) at a reduced assessment made by the Afghán Government to Pathán settlers in North Sindh. How ever this may be, they have since acquired the form of assignments of a fixed proportion of revenue on certain lands and as such, they have been recognized and confirmed by our Government. The revenue alienated under this head amounts to a few thousand rupees only

The khairát, or charitable grants, involve alienation of revenue of about R 12,000. These also are permanent alien ations, having been so recognized by the British 'on the ground of length of enjoyment."

Frontier Grants.—Besides these ordinary alienations there are large tracts of land in the Upper Sindh Frontier District granted *rent-free to Bilúch chiefs and their tribesmen.* Some of these grants are in perpetuity others for life but all have been made subject to good behaviour and loyalty also to the payment of hakábo or any other local cess legally imposed on them. The area thus granted amounts to 24 800 acres in round figures.

Garden Grants.—Under both Afghán and Bilúch rule in Sindh much liberality was shown in the remission of revenue on land brought under garden " cultivation. Garden grants

[1] This i as regards existing irrigation. If the Government makes new canals or new branches, it will, of course be able to make any terms it pleases regarding them.

are found scattered all over the province and are not confined to any particular parts of the province They are divided into two classes—

(1) wholly rent free,

(2) paying reduced assessment.

Subject to certain stipulations, these lands are transferable and, being valuable property are frequently sold and mortgaged. The extent of land thus alienated is 2500 acres.

Hari Grants.—Owing to the treeless character of the country throughout the greater part of Sindh, Mr Frere, Commissioner in 1858, in exercise of the authority then vested in the Commissioner sanctioned the grant of lands free of revenue for the purpose of growing trees. This concession, which has since been continued, is not really of the nature of a land alienation. Only the revenue due on the lands is foregone so long as they are used for the purpose for which they are granted. If any land so granted is cultivated with crops, full assessment is levied at once These grants are transferable the transferee being bound down to the conditions of the grant. The area thus granted is about 2500 acres.

Seri or Village Service Grants.—This grant is generally made for the promotion of cultivation and rendering service in the prevention and detection of crime, in the collection of Government demands, &c. These grants are for one life only and will be gradually absorbed and utilized in the village service system which is now being organized under the Sindh Village Officers Act. The area granted is 2000 acres.

SECTION IV —THE SETTLEMENT

§ 1 *General Description.*

I may first quote a general description of the history of the land revenue Settlement as follows[1] —

Upon the introduction of civil administration, in 1847 a seven years Settlement was made by measurement of crops

[1] Selections from Records of Government, No. xviii, pp 8, 9.—papers relating t Revenue Survey in Sindh, 1875, p. 43. At the present time two tâlukas of an exceptionally desert character remain unsettled in the Kurrachee Collectorate and seven tâlukas in the country called Thar and Pârkar chiefly the desert ones; also one tâluka of the Sindh Frontier District. All the other tâlukas have come under Settlement.

and commutation of the Government share at assumed prices, on *raiyati* lands, and by leasing out the *zamindári* estates at lump-rents. Prices subsequently fell, the assessments proved heavy and the Settlement expired in 1853–54 amidst general demands for reversion to the old Native system of dividing the crop and taking revenue in kind. At the same time, the revenue records were exceedingly imperfect. There were no village maps, nor even any táluká lists of villages boundaries were undefined, and land registers were unknown, all existing information being exhibited under the name of the person by whom, not of the place for which, revenue was to be paid. It was therefore determined to institute a rough survey and Settlement," as a preliminary to a complete revenue-survey and Settlement at some future time. Settlement Officers were to demarcate village-boundaries for the Topographical Survey then at work in Sindh, and were then to measure the fields, fill in the village-maps, classify the soils, and make the Settlement.

This rough survey and Settlement" went on till 1862. By that time about one-third of the province had been surveyed for Settlement purposes, at a cost of 8½ lakhs but no Settlements had been made, the Settlement Officers having been fully occupied in demarcating boundaries for the Topographical Survey and afterwards making their own interior survey of the villages. In the absence of precise rules, the system followed had more or less modelled itself upon the Dakhan revenue survey and the assimilation was now made complete by the deputation, in 1862 of a Bombay Settlement Officer to draw up a scheme of classification [of soils] and Settlement. The rules then framed still form the basis of Settlement operations in Sindh, though in practice they have been subjected to great and material modification as regards details, so that the present form of Settlement differs largely from that adopted about 1864–65, the failure of which became more and more evident eight or ten years later The organization of the department was completed by 1864–65, and regular survey and Settlement work has been going on ever since. At first there were two Superintendents, one upon the right bank, and the other on the left bank, of the Indus; but a single officer has had charge of the department since 1874

I have mentioned already that, except in a limited tract

below the hills on the frontier, cultivation is dependent on irrigation.

The soil is everywhere alluvial, of such uniformly great depth that the Dakhan plan of counting the cubits of depth need not be resorted to. The chief variety in the soil is the greater or less admixture of *sand*.

The classification rules of 1862 divided this soil into four orders, differing from each other by their proportion of sand, and these again are liable to be degraded by faults, viz. the presence of salt, a sandy substratum, or an uneven surface. The second stage of the classification process relates to the nature and quality of the water-supply. The greater part of Sindh is watered by canals filled by the rising of the Indus. They are constructed so as to receive water during the inundation season, and most of them lose their supply when the river falls to low-water mark. Some of them are under the Irrigation Department; others are managed by the zamindárs. In the latter case, the zamindárs are bound to do the annual cleaning out and repairs, and the expenses are recovered by a special cess if the Government has to step in and take the duty out of their hands. Irrigation from these canals is either by flow or by lift, that is, by the Persian wheel. Besides the canal water area, a considerable extent of country especially in the Shikárpur district, is rendered capable of cultivation by natural flooding. These floods are quite beyond control and often do more harm than good; but where they are tolerably certain, as is the case with the Manchar lake in the Kurrachee district, they are very favourable to the growth of rabí' or spring crops, especially wheat, on the land which has been temporarily submerged. Thus, in making the Settlement, water-supply has to be classed under one of three heads, viz. flow (*mok*) lift (*charkhí*), or flood (*sailábí*), and then further classified according to the sufficiency and constancy of the flow the expense incurred in bringing the water by lift to the field, and the certainty and duration of the flooding.

§ 2. *The different Settlements—First or Original Settlement.*

This general account requires to be supplemented by some further information especially regarding the changes in the Settlement system.

It must be remarked that there are two circumstances, one natural, and the other arising from the land-tenures which have made it difficult to adopt the Bombay system in its original form.

As regards the first, the soil is such that land cannot be properly cultivated year after year without fallow This is said to be due partly to the absence of rainfall, partly to the abundance of waste, which renders it easy to adopt a kind of shifting cultivation. In the first, or original, Settlement, the land was divided into rather large survey numbers it was estimated what portion of the number could be cultivated annually and the whole number was assessed on that basis only This was what is known as the diffused rate system But the cultivators took an unintended advantage of it they ploughed up the whole land in one year in a hasty and imperfect manner and then as the soil was exhausted, relinquished the entire number and took up new land. The original Settlement was also marked by the difficulty already indicated, about Zamíndárs waste. It was at first proposed to include all waste that fairly belonged to the zamíndárí in the survey but then the Zamíndárs as registered occupants would be liable to pay the whole assessment and this they were unable to do In 1875 a proposal for leases on a reduced lump-assessment was made but this was apparently still too high for no one availed himself of the permission. Then it was that the new system came into force, which allowed assessment to be paid only on cultivated lands, but a lien to be retained on fields that were by custom left fallow The first, or original, Settlement was made for ten years only and is now practically at an end[1]

§ 3. *Revision*

The revision Settlement is based on a more minute survey making the numbers of a much smaller size. Each is regularly assessed but the holder of land can register himself as occupant of as many numbers as are

[1] One táluká (Tando Allayár) alone remained in 1882.

comprised in his holding and can, under certain rules, allow some of the fields to lie fallow retaining his lien on them (without payment) during the period allowed. If he chooses to cultivate, he pays full assessment. In 1888 eighteen tálukás had been put under revision Settlement.

§ 4. 'Irrigational Settlement' as a Transition Measure.

Pending the introduction of the revision the 'original Settlement has been replaced by a kind of temporary intermediate system spoken of as the irrigational Settlement, because the survey and classification of soil not being complete, attention was only paid to the different kinds of irrigation (already explained). Under these differences there is (1) greater or less security for a fair crop, and (2) greater or less cost and labour as, e.g. when the water has to be raised by lift, and by labour of men and cattle on the Persian wheel. Some twenty five tálukás are under this transitional form of Settlement[1]

In Thar and Párkar it has been mentioned there are still seven tálukás unsettled, and there a sort of lease of a tract is granted on a cash payment, irrespective of what part is cultivated and what is not. This is known as the 'thalí' system. The cultivation takes place on the thal, or low land, between the sand hills, where a little moisture collects The area culturable varies with the rainfall A rate is accordingly arranged which covers the average area culturable Thus, a 'thalí' of from one to five acres pays a fixed rate *of R. 1 a thalí of five to ten acres pays R. 2 and so on.*

In one part, a system of payment on ploughs ('autbandí') is adopted as suitable to the sparse and almost casual cultivation the area of which cannot be known or demarcated (Nagar Párkar Táluká).

§ 5. Alluvion and Diluvion.

As might be expected, the changes in the river Indus make rules under this head, of importance[2] Land sepa

[1] It will be observed, that here Settlements are always by tálukás; in fact the large thinly-populated Collectorates were ill adapted to any other territorial division of Settlement.

[2] See *Handbook*, Chap. viii. p. 161 (3rd edition).

rated from the main waters of the river or seashore, by a channel that contains water throughout its length the whole year through, is an island and belongs to Government. The occupancy is sold annually And newly thrown up islands are dealt with in the same way Land not separated by such a channel as that mentioned, is held to belong to the estate on the mainland, and subject to assessment under rules stated.

The alteration of the course of the stream which leaves a portion of the estate recognizable, but in a different position, does not alter the tenure.

As to small additions and losses to riverain holdings, the rule of one-tenth, already alluded to (p. 314), is followed, with the qualification that the assets of the *entire holding* are considered, and reduction is granted only if it appears that a loss of one tenth or more, on the whole, has occurred.

§ 6 *Form of Assessment—The Native Method.*

Under the Tálpur rulers, a complicated system of batái, or sharing of grain, was the universal method of taking a land revenue. The Zamíndár was responsible for the collection. In some cases, as a favour he was allowed to take the batái himself and pay to the State Treasury a fixed sum in money Cash rates (here called mahsúlí —the zabti of other parts) were also taken on certain crops, as cotton indigo sugarcane, or vegetables, which do not easily admit of division in kind. And in some places the division of crop was regulated (as in all Native States) by an estimate without measurement (the kankút of the Panjáb) called dánabandi, or nazarandáz. Khásgí, meaning a contract for a specific amount of grain, was spoken of in certain parts of the country

The batái was the commonest method, and was easily supervised. The country was divided into parganas and then into tappas, or circles. Each tappa was looked after by a kárdár And over the pargana was a sazáwalkár

The village had a dharwái, or weighman, and a tappadár a sort of patwári, whose duty it was to put a seal or

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The village had a dharwái, or weighman and a tappadár a sort of patwárí, whose duty it was to put a seal or

mark (tappa) on the grain heaps when cleaned in the khára, or threshing floor which was the scene of the 'batái'[1]

§ 7 *Modern Assessment*

The principle of soil classification and assessment is in no way different from that of the Bombay system generally

Soil classification disregards depth, for that is not of importance in an alluvial valley as it is in the Dakhan. The degree of admixture of sand is the prominent feature, and then the means of irrigation are all important. Land is classified according as it is inundated by the river (sailáb) or is watered by canal. If there is a flow owing to the levels being favourable, the water is led on to the land by channels only and this is called mok if a lift is required the canal being below the level of the fields, the

[1] There is a good account of the Taljpur administration at p. 46 of the Gazetteer Under the head of Naushahro also, a curious report by Lieutenant Jameson is summarised, which gives a vivid and detailed picture of the batái process in the villages. Here we see the Government divider (batáidár), with the obsequious dharwal, ever ready to make the measuring scales show just what is wanted, and the kárdár and the tappedár all assembled The Government share, say is one in three and the grain will have been placed in three primary heaps; but already there are 'abwáb,' or extras to be provided; so, a fourth heap, smaller than the others, is made. When the Government has taken its share, then the zamíndár's h q is taken; then the cultivators'; then the carpenter's — an important person, because he makes all the wheelwork for the irrigation —and the potter who provides the pots that raise the water lastly come the other village servants. What remain is again divided between the Government for expenses and the cultivator All the shares are estimated by the batáidár on the basis that the original heaps contained so much, and he puts down all the different shares on his khasra, or list. Then he discovers that some grain has been concealed or kept back (which is very likely); for this he takes a further share out of the poor cultivator lot, under the title of kundi and puts it down separately on his list. The dharwál now weighs out the shares, the patwári praying for full measure the batáidár ordering the reverse. It generally happened, however that the actual quantity was in excess of the batáidár's estimate; so that when the weights were separated according to the list, the excess was redivided. There are other details fo which the original must be consulted. At last the Government grain being again sealed by the tappedár it had to be carried to the granary ('ambarkhána') by or at the cost of the cultivators. One only wonders how any country could subsist under such a system. But doubtless the people knew how to make the thing work—and concealment of grain and so forth were largely practised. And there was this advantage, that in bad years or when the crops failed, there was no wringing out of the people revenue rates which there was no crop to meet.

land is charkhí the lift used in Sindh is a Persian wheel (charkhá, and if smaller charkhí) lastly, there are fields classified as perennial wheel (dáka) because though the water is lifted, there is a *constant* supply —or a supply sufficient to water the wheat that will ripen in spring

SECTION V —THE OFFICIAL STAFF

It may now be stated briefly that the Revenue Code (Bombay Act V of 1879) is enforced in the regular Collectorates (Haidarabad, Shikárpur and Karáchi) and in some tálukás of the Upper Sindh Frontier district, though not in all. It is not applied to Thar and Párkar The whole of Sindh is a Scheduled District under Act XIV of 1874.

The province is under a Commissioner directly subordinate to the Government of Bombay Bombay Act V of 1868 enables the Governor of Bombay to delegate to him certain functions of the Local Government, chiefly under the Criminal Procedure Code, the Forest Act, and certain other laws.

The very large Collectorates are divided into Deputy Collectorates[1] under Uncovenanted Deputy Collectors, and Covenanted (and military-commissioned) Assistant Collectors (described as Head, Second, and Third Assistant Collectors)

The Deputy Collectorates are again divided into tálukás these are under Mukhtyárkárs (Tahsíldárs of other parts) with magisterial powers they are aided in tappas (the smallest subdivision of a táluká) by tappadárs, who have only revenue duties and may be compared to the maháIkári of Bombay There are two or more supervising tappadárs, who look after the others, like the general duty kárkun of Bombay

Village officials hardly existed in former days, but the

[1] Certain Deputy Collectors assist at the Huzúr or head-quarters and are called Huzúr Deputy Collectors. The Commissioner and the Collectors have also office assistant called Daftardárs, who are graded as Deputy Collectors.

Act of 1881, already alluded to is designed to aid in their reconstruction as Settlements progress.

§ 1 *Revenue Business and Procedure.*

There is no occasion for any separate remarks under this head. Generally the rules and orders in the Bombay Hand book (already described) prevail. Where there are special local matters, they are regulated by local standing orders or circulars.

PART III — BERÁR.

CHAPTER I.

THE SETTLEMENT

SECTION I.—INTRODUCTORY

§ 1 *Origin of the Province—not subject to the ordinary Law.*

THE province of Berár was, as explained in Vol. I (p. 49), assigned to the British Government by the Nizám of Hyderabad, to pay for the support of the military force called the Hyderabad Contingent, and also to repay some accumulated arrears of debt.

There have been several treaties, which from time to time provided various changes owing to the increase of the debt and other circumstances. The treaty by which the present system was formulated was signed in 1853 and this, together with some supplemental agreements up to A.D. 1860 places the Berár districts, in their present extent, under the exclusive management of the British Government. The surplus revenues, after paying the cost of administration and the maintenance of the Contingent, are repaid to the Hyderabad Treasury

Under these special circumstances, the districts are not British territory—ceded absolutely in such a form that

British law is necessarily in force—they are technically foreign territory made over to British management in perpetuity their administration is consequently regulated by the will of the Governor-General in Council. No Act of the general Legislature has any force *proprio vigore* and when orders appear extending Acts that merely means that the Governor General adopts such Acts as expressing his wishes on any subject to which they relate[1]

§ 2 *Form of Administration*

The administration is carried on through a Commissioner of Berár[2] who is the chief revenue and administrative authority in subordination to the Resident at Hyderabad. Under him are Deputy-Commissioners of districts with their Assistants and Extra Assistants, as in a Non Regulation Province.

§ 3. *No regular Revenue Code.*

For regulating matters not requiring the orders of the highest authority or for communicating and explaining such orders, Book Circulars are issued both by the Resident and the Commissioner these are now regularly printed, and are authoritative since they are the orders of officers delegated to issue them (as part of their official duty) by the Governor General. The matters which in another province the Board of Revenue or Financial Commissioner would regulate, are dealt with by the Resident and the Commissioner s Circulars deal pretty much with the same subjects that a Commissioner in any other Province has power to regulate

[1] As a matter of fact, all the general Criminal and Civil laws, the Stamp law Land Acquisition Act, Registration Act, and so forth, are in force with or without certain modifications, as the case may be; but their force is derived from the executive authority above described, not from their being Acts of the Indian Legislature.
On certain subjects, as forests, there are special rules; and there are many Acts not in force. But speaking generally, in the matter of law Berár is administered very much like an ordinary Non-Regulation Province.

[2] Formerly there were two, one for East, and one for West Berár; and owing to this division of the Eastern and Western districts, the province was often spoken of as the Berárs.

Many matters, especially in Land Revenue business, with which alone we are concerned, still remain regulated by custom or by the practice of the Courts.

Though the Settlement was made under the Bombay system, the Bombay Revenue Code has not been introduced. Its introduction was at one time proposed, but now a special Code of Revenue Rules is under preparation [1]. In view of this Code being published before long I shall not go into details as to the old or existing rules, but rather deal with the salient local features of Settlement and Revenue practice which are not likely to be altered, though they may be defined and regulated, by the new Code.

I propose, therefore, first to notice the Berár Settlement, which, as just stated, was made on the Bombay system, with some special modifications adopted to meet local requirements. I shall next proceed to discuss the land tenures after which the official staff and the revenue business of the district will be described, so far as their main features are concerned.

Section II.—The Survey Settlement

§ 1 *Discussion as to the form to be adopted*

I have already presented an outline of the raiyatwárí Settlement system as developed in Bombay. In the course of this, allusion was made to the fact that in some parts of the Presidency villages once existed in which a joint landlord class had grown up, a circumstance which gave rise to the question whether a village Settlement on the North Western Provinces model could not be adopted. It is, then, not altogether surprising to learn that in South Berár some of the earliest of the short Settlements (I believe they were annual), made on our first assuming management in 1853, were actually made mauzawár i.e. by assessing a lump-sum on the whole village and a Settlement on the

[1] At the time I am writing (in 189) an officer was on special duty to prepare the Code; but it is not in a sufficiently forward condition for me to describe it.

North Western Provinces system was even ordered for the whole province[1]

§ 2. *The Raiyatwárí System adopted*

But ultimately a Settlement on the Bombay principle was decided on.

It may be mentioned however that in Berár at a later period, an attempt was again made to modify the Bombay system by grafting on to it a record of rights on the North West model. As the Bombay system neither requires such a record, nor possesses the requisite machinery for making it, some confusion naturally resulted, while the record itself, as far as it went, was useless. The demand for it is another instance of the curious influence which particular systems exercise over the minds of those who are accustomed to them. Seeing the prominent place that a record of rights has under the circumstances of a North West Province Settlement[2] it was thought that a record of rights would be a useful corrective to the Bombay system whereas it only proved a source of considerable correspondence at the time, and has now been forgotten.

§ 3. *Survey and Assessment on the Bombay System.*

At the time of Settlement, the rules of the Bombay Joint Report, with which the reader of the preceding pages is by this time familiar were adopted (with certain modifications), and a Code of simple rules was drawn up which was sanctioned by the Government of India.[3]

[1] *Berár Gazetteer* 1870 (Bombay Education Society Press), pp 94 and 96. It would appear that the plan was to make the headmen proprietors, as in the Central Provinces, unless there were surviving proprietary bodies, or lands were held by descendant of old families who could be settled with as joint proprietors.

In speaking of the tenures, I shall again refer to the surviving traces of a former existence of landlord families in villages.

[2] The North Western systems, allowing a middleman proprietor between the raiyat and the State, or else dealing with joint bodies of sharers, there being (often) a variety of other co-existing rights, have to guard carefully the rights of other landholders by inquiry and record.

[3] No. 407, dated 10th December 1866, to the Resident at Hyderabad.

The principles of survey and assessment are not described in the rules these operations were done by Bombay officers already familiar with the work under the Presidency rules in force at the time. The differences introduced by the local rules are chiefly in the matter of certain rights and duties of the occupants, which will be mentioned in their place.

This procedure was applied to the whole of Berár except to the táluká or hill tract of the Melghát in the north (Sátpúra Range) this is a vast tract of forest inhabited only by wandering jungle tribes of Gonds and Kurkús, to whom such a system was inapplicable.

For all details as to survey demarcation of the fields, and method of assessment, the student must recur to the preceding chapter on the Bombay system. It may here however be noted, that the village maps were made on a scale of five inches to the mile. The survey was complete, combining the local accuracy of the topographical survey with the detail of the revenue survey The boundaries of districts and parganas, tálukás, and other local divisions (for villages and territories belonging to different States were sometimes intermingled) were laid down. The position of towns and villages, as well as of buildings, tanks, and local objects throughout the country was shown. The course of rivers and streams, as well as roads, was accurately given. A village map on so large a scale as five inches can show every detail of importance. At the time of survey too, a census of population was taken, as well as of cattle, ploughs, and carts. Remark books were provided for the villages showing all local items of information; so that what with the registers of land, and accounts showing the assessment of each field, the detail of ináms and service-payments and of the village expenses, the most complete information exists regarding the condition and resources of every village.

The Berár Settlement was sanctioned for thirty years[1]

The assessment is stated (by Settlement Rule II) to have

[1] Gazetteer p. 96, and Settlement Rules, I.

included all cesses, but that means cesses levied under the old Native Government on land, and it includes the road cess. The cesses for education (1 per cent.) and the jágha or watchmen's cess, are separate, and are levied in one sum at the rate of fifteen pies per rupee.

In Berár the jágír and inám (revenue-free) villages were surveyed with the object of being assessed for statistical and other purposes. But the order for assessment was afterwards cancelled.

At the close of the thirty years a revision Settlement will be made, and is now in progress in some districts.

By the Berár rules, the *revised* assessment will be fixed—

'not with reference to improvements made by the owners or occupants from private capital and resources during the currency of any Settlement, but with reference to general considerations of the value of land, whether as to soil or situation, prices of produce, or facilities of communication [1]

I may here call attention to the fact that, some years ago the survey statistics were reviewed and compiled, so as to bring out a number of data which were not separately on record. The results of this compilation will be found in Commissioner's Book Circular No I of 1881

I may also mention that it is the practice in returns, &c shortly to indicate all land paying revenue to Government as khálsa land, while alienated land (as in Bombay) means jágir or inám land, the revenue of which is assigned or remitted, in perpetuity or for a term, as the case may be.

When the survey was made, not only were the occupied cultivated fields surveyed and marked, but the gáonthán or village site was allotted, and lands were reserved for free grazing to the villages. The Madras term purambok was used for numbers that were unculturable (generally) by reason of having tombs, sites of wells, &c., on them. And the Bombay plan of allowing parts of numbers to be de-

[1] Settlement Rules, No. 11 This has been described in detail for principle closely resembles what Bombay

ducted from the culturable area, as bad bits (pot-kharáb) was followed.

§ 4. Nature of the Survey-Settlement as regards landed rights.

The assessment is on the land not on the person, each survey unit having been classified and valued and assessed accordingly the rightful occupant may continue to hold it (at the rate in force for the period of Settlement) as long as he pleases or he may relinquish it if he cannot afford to pay the assessment[1]

There is no *quasi* judicial or actually judicial, inquiry by Settlement Officers into all classes of rights as under the North-West system Nor is it necessary for the survey system does not deal with joint villages, or with other forms of proprietary tenure in which the customs of sharing and the distribution of the revenue-burden have to be decided on and recorded nor is there any artificial creation of landlord right, or decision between ancient and modern claims, resulting in *grades* of right. Actual occupation is the test. In all cases, or on the admission that the occu pant is not the khátadár but only a tenant, the proper person will be entered. But all *disputed* cases as, e. g what the extent of the share is, or whether the occupant claiming is a co-sharer or only a tenant under the other and so forth, are disposed of on the merits by the Civil Courts. The result of the decree will, where necessary be noted in the registers kept by the Revenue Officers.

§ 5. Rules regarding Trees on the Land.

The right to growing trees was regulated by Settlement Rules I, II X, XI. These rules distinguish between trees on lands in occupancy and those on waste, numbers.

The following classes of occupants own *all* trees on their land, and may of course, cut and sell them at pleasure—

[1] Under the head of Tenures I shall revert to this subject, and explain it more fully See Settlement Rule V and compare B. Rev Code section 73.

(1) Inámdárs who are in actual possession, including holders in jágír and perpetual lessees (pálampat dár).

(2) Ordinary occupants who have been in occupation for a period anterior to the age of the trees, or for a period of twenty years.

(3) Other occupants who, under Settlement Rule VI, have purchased the trees.

In the case of waste or unoccupied numbers, applicants for the land have to buy the trees on it[1] Practically it comes to this, that Government retains a right over the trees on *waste* land but disembarrasses itself of the right when the lands become occupied The whole (rather complicated) history of rights in trees will be found reviewed in detail in Commissioner's Book Circular XIX of 1881 the outcome of which was the Resident's Book Circular X of 1882

The Commissioner's Circular shows what the native customary principle was, and what the practice has been in districts during the progress of Settlement. All the difficulty arose out of the custom that the tree *did not* follow the soil but that one man might own the tree independently of the occupancy of the land.

If a man relinquishes a number he now relinquishes its trees wells buildings and all.

In wa to lands (not being forests or under special rules), if a person wants to cut wood for agricultural purposes, he must get permission from the village officers. The tahsildár must be asked for timber for repairing buildings but if the occupant wishes to cut any large number of trees, or to cut them for sale, he must apply to the Deputy Commissioner who can impose any conditions that may appear advisable.

§ 6. Shares in Holdings.

The Register of survey numbers shows, for convenience of administration, one occupant as *the* khátadár or occupant,

[1] See Resident's Circular X of 1884, abrogating the latter part of Rule II.

to whom the Government looks as responsible primarily for the revenue. But there may be several co-sharers in the field. These can protect their rights by getting their names and fractional or other shares noted in the register. In case of default by the principal occupant, the co-sharers can save the number from sale by themselves paying up the arrears and the Collector can also protect the interests of the co-sharers by transferring the defaulting interest to them (*compare the Bombay rule on the subject*). Co-sharers in Berár however can, under no circumstances claim, under the revenue law to have their shares demarcated or separately registered. If there is a dispute and a decree of the Civil Court *is obtained a person decided to be* a co-sharer can get the share decreed separately demarcated provided the subdivision does not go below a certain minimum[1] area which is fixed for convenience at a different standard for lands above and below ghât, or upland or lowland districts. Even when a *registered occupant dies*, only the eldest or principal heir is entered in his place. The co-sharers cannot get their shares separately registered as independent holdings though their interests are noted in the record under the principal holder.

No inconvenience whatever *has been felt in practice from* this rule which prevents joint holdings breaking up into severalty. The practice is therefore different from that of Bombay where the modern rules provide for the separate demarcation, registration and survey of almost every separate share, *however small at Settlement time and* allows the separate demarcation of shares afterwards provided the operation will not reduce the several plots below the recognized *minimum* area.[2]

It will be understood, that co-sharers [illegible] persons whose rights are of the same class. *In speaking* of co-sharers we do not refer to cases when [illegible] occupant and a *tenant* under him on the same land.

	Minimum above ghât.	Below ghât.	Rice Garden	[illegible]
In district Dry	6 acres.	3 acres.	See p. 220, and [illegible]	[illegible]

§ 7 *Rights in alienated Villages.*

As regards the right which jágírdárs and other grantees have in land, I shall mention the subject under the head of Land Tenures. Here it will be enough to say that the Settlement Rules at first prescribed the survey and assessment of alienated villages just as if the revenue was payable to Government but this order was subsequently modified[1] The jágírdár makes his own arrangements as to the rents payable to him by the tenantry and it is only in case the occupants have held from a period antecedent to the grant, that they are specially protected by the rule which declares that in that case the grantee cannot take more from them than what the Government assessment would be. The grantee is allowed to dispose of waste or unoccupied land as he pleases, and we have seen that he holds the right to trees on the estate. The rule goes on to provide that if the grantee can show that his grant gives him the proprietary right, or that his estate was waste and uncultivated when granted and that he has settled and cultivated it, then he is deemed *the proprietor* in set terms; and such right continues even though the revenue-grant should, from any cause lapse, and the lands become liable to pay revenue to Government. Thus, in principle, every grantee is owner of exactly what his grant gives him each case on its own merits[2]—of the land if the grant proves it, or of the revenue only if it does not.

SECTION III.—THE LAND-RECORDS.

The only general record that the system requires, besides the village-map is a detailed register of every field with the name of the khátadár or registered occupant and admitted co-sharers may be recorded as such[3] I have

[1] By Notification No. 118, 4th December 877

[2] See Resident Circular XXIII of 1879.

[3] My acknowledgments are due to Mr. A. J Dunlop (then Assistant Commissioner of Akola), who kindly showed and explained to me some Settlement Records. Th papers are prescribed in Commissioner's Book Circular XLIII of 876.

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[2] See Resident Circular XXIII of 1870.

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already alluded to the attempt made to add a recor subordinate (tenant) rights. For the purpose of suc record rules were made called the Sub-tenancy rules, they were a dead letter from the first [1]

Land records may be enumerated as follows:—

(1) The original village-map for record, and lithograp copies of it for reference.

(2) Pahani-Sud. A statement (like the 'khasra' of North Western Settlements) showing a list of fields with serial numbers (as in the map) and name of occupant at the time of survey

(3) Akárband, a statement of the assessment of fi shown in detail under three kinds of culti tion (dry rice, and garden), and the rate acre.

(4) The wásalbáki, a comparative statement show (1) the *old* village numbers, names of fields, a in bighás and old assessment as they were un the system antecedent to the survey; and (2) same holdings as they appear under the new s vey with the numbers, area, and assessment ur the existing Settlement. Thus the statem forms a kind of balance-sheet (whence the na between the previous and the present order things.

(5) The phesal patrak [2] showing the persons who v admitted and recorded at the time of Settlem survey as the occupants of land, with area assessment.

(6) Phod patrak, showing the area (with its share assessment) held by each cultivator when th are more than one in a survey-number (as where two small holdings have been club under one number or there are definite shares

a number held by a family but in one name under the rules).

(7) The inám patrak a list of revenue-free or alienated holdings.

(8) A statement of 'numbers' reserved as village grazing grounds, or for other village common purposes.

(9) A record of forest tracts and babul ban (waste numbers covered with *acacia* trees valuable as fuel) set apart by the survey.

CHAPTER II.

THE LAND-TENURES.

Section I.—Introductory.

§ 1. *Present Features of Berár.*

The khálsa villages in Berár at the date of survey Settlement, were, speaking generally, found to be raiyatwári villages, i.e. aggregates of individual holdings of land, there being no difference between one class of landholder and another as regards right. The village was, as usual, managed by a headman and accountant, and had its staff of menials and artisans; but this was all that bound it together. The cherished possession by these hereditary officials, of land held in virtue of office and family right, is here common. With this form of village community the reader is already familiar. Much also of what has been said in the Chapter on the Central Provinces Tenures, regarding the pátel and his watan, and of the other features of village constitution, is equally applicable here.

It was, as I then remarked, a distinctive feature of the (Maráthá) administration which preceded ours, that it always believed itself to be consulting its own interest when it dealt direct with the cultivators; wherever it was firmly established, so as to be able to carry out its own theory implicitly, it allowed no agents or middlemen (except on the smallest scale for single villages) to intercept the State revenues. Consequently neither the revenue officials nor the headmen nor any others had that opportunity for developing as they did in the Central Provinces,

and the Konkán of Bombay into the position of proprietors of the whole village. At the same time a system of heavy assessments levied on every one alike, must always have a tendency to obliterate any distinctions that may have come, at some former time, into existence, such as the claims of certain persons to be members of families who were land lords, or co-sharers, and superior to the other cultivators. In Berár as elsewhere, the question was raised whether in some if not in all villages, a co-sharing form of tenure had not once existed

§ 2. *The kinds of Tenure to be described*

Naturally in considering tenures we shall first deal with the *villages*, taking the opportunity to inquire into the existence of traces of landlord right or claims, and then offering some remarks on the survey tenure of the present day

But besides that we have two other classes of tenures to consider viz. tenures arising from hereditary village and pargana offices, and tenures arising from royal or service grants.

SECTION II — VILLAGE TENURES

§ 1 *Traces of the Joint-village.*

When the proposal to settle Berár on a village-system was made, an inquiry was undertaken as to the real nature of the villages, and whether the joint or landlord form did or did not prevail. Opinions differed and will doubtless continue to differ as to the result elicited. But it must certainly be admitted, that the evidence obtained was faint and doubtful, and that it certainly cannot be concluded that a landlord-class existed in all or even a majority of the villages, although a hereditary right in individual cases was certainly acknowledged. Two points were fairly established: (1) that in some instances—of larger towns which it was supposed were better able to hold their own—relics of a [illegible] divis[illegible] d. Different families held certa[illegible] of t[illegible] called those sections

khel (2) there were certain distinctions between origin hereditary land cultivators and those of later origin.

What seems to me the chief difficulty is this that th *terms* used might indeed have suggested the existence landlords (especially to those who were accustomed to th North West Provinces form of village and were inclined believe it to be an universal type) but on the other han those terms and distinctions are also quite consistent wit the supposition that we have traces of the privileges original settlers under the Dravidian system, whic must certainly at one time have prevailed as Berár wa the land of the Gond tribes.

As regards the case for the existence of joint-villages, is especially urged that when Berár was under Muhammada rule (the Dakhan kings) their minister Malik Amb settled most of Berár and was careful to retain hereditar rights which are spoken of in reports as mirási, thoug the term is not now known in Berár It is even alleged says Sir A. Lyall[1] that the joint ownership of the lands b a village community was first declared and acted on b him.

The country next fell under the Imperial rule, and the (for a long time) was held partly by the Nizám of th Dakhan and partly by the Maráthás. On the defeat of th latter in 1803, the province passed once more to the Nizár who had for some years past set up as an independen ruler Under him it remained till 1853 If we place th overthrow of the Dakhan kingdoms at the end of th seventeenth century a period of more than 150 years elapsed before 1853, during which, it is said, there was ample tim for the levelling down of rights and the breaking up

Gazetteer of Berár Chap. VIII, p. 90. It will be observed that so competent an observer as the author does not express any opinion that joint villages were ever really prevalent. He gives the various reports and opinion for what they are worth. I cannot help thinking [illegible]

It was most natural for him have settled the lump-assessmen with the hereditary pátel, or eve to have divided the responsibilit among the heads of the pát family without one being oblige t infer in any way that there wa settlement with a pattidári, bhaiáchárá body such as [illegible]

joint bodies of landlords. As regards the effect of this changeful rule, the following picture is drawn which no doubt justifies what is said about its levelling effect.—

"... The proprietary titles granted by Malik Ambar cannot have long outlasted the wear and tear of the disorders which followed his death. We may suppose that where tenants [occupants] managed to keep land for any long time in any one family they acquired a sort of property adverse to all except the Government; that when the land changed often by the diverse accidents of an unsettled age, in such cases occupancy never hardened into proprietary right. Good land would have been carefully preserved, bad land would have been often thrown up; failure of crops or the exactions of farmers would ruin many holdings, and all rights cease with continuity of possession. [illegible] Under the Marathas and the Nizam the mass of cultivators held their fields on a yearly lease which was made out for them by the patel at the beginning of each season; the land was acknowledged to belong to the State, and as a general rule no absolute right [illegible] From the time when [illegible] —the Nizam and the Marathas— [illegible] were gradually broken [illegible] revenue [illegible] upon defaulting lands [illegible] Two marauding armies [illegible] for long years conquered [illegible] hostilities. The country was [illegible] fifty years afterwards, when [illegible] the revenue collections were [illegible] the surplus of [illegible]

[illegible]

parganas were let and sub-let to speculators for sums far above the ancient standard assessment. Under these fiscal conditions the exaction of revenue must have wrung nearly all value out of property in land.

The author goes on to explain that if any one had a hereditary claim and therefore clung to his land, he was the more heavily taxed, and at last in a bad season would break down and be obliged to surrender his independent holding

We may readily grant that the long duration of mis-government of this kind was in itself a sufficient cause of the disappearance of hereditary rights but still we have to look to the circumstances to see whether the hereditary rights spoken of were those which existed under the old Gond village-system or whether there is any good evidence of a state of things under which landlord villages held in shares arose—as a generally prevailing institution. Now Berár was part of Gondwáná. And we have some idea how the Gond kingdoms were organized and what the Dravidian form of village-tenure was. No landlord-class claimed an entire and joint property over the whole village but there were certain leading families whose hereditary right was recognized. In Chutiyá Nágpur (West Bengal), where the Dravidian village constitution can be traced to this day there were bhúíñhár families (as they were then called) who held in hereditary right a certain allotment of the village lands. Other cultivators, not apparently of equal rank, were still privileged as khúnt-kátí, or original aiders in the clearing and founding Out of the old families, the leading one held the headmanship and with it the allotment of land, which is evidently the parent of the watan. It was the original founders who built the garhí or mud fort, which forms the centre of the residence, and while they alone would be entitled to occupy it, all the other settlers would build round it for protection. Probably also the headman or his family would have sunk the wells, or made the tank and the grove, and so have a special right in them. The whole system was dependent on

the allotment of the land into blocks, one for the king's revenue, one for the hereditary headman, another for the founder's families, another for the king's accountant, and another for the priest and for religious purposes [1]

The Gond kings adopted Aryan (Bráhman) counsellors and became Hindus subordinate chiefs held estates, as we know from the survival of them in the Central Provinces. It would therefore be quite natural to find that here and there, villages (or even groups of villages) were in the possession of the multiplied descendants, of a chief or other royal grantee, having become landlords and that the several branches of the family held sections of the estate known as patti or khel (to use the Berár term) There would be, or need be, no general growth of such estates all over the country so as to produce a large percentage of zamíndárí and pattídárí villages, as we see in North West India. I only call attention to the fact that all we know of the Gond organization is quite consistent with the claims of old hereditary cultivators called mundkárí, who, as we shall see, are recognized and who may I think, represent the founder's families, and if so, would be called bhúmhár in the country to the east of Berár

§ 2. *Quotations from Early Reports.*

I will now proceed to offer some quotations regarding villages, taken from the early reports as found in the *Gazetteer* It is of the more importance to preserve them, inasmuch as the *Gazetteer* itself is out of print and the original reports inaccessible.

Mr Bullock, describing North Berár writes —

There are no large classes of proprietors, and the tenure by which land is held is very vague. No doubt a proprietary right might be established in numerous instances, though it does not seem to be asserted or recognized (except in the case

[1] And in these allotments outsiders obtaining land to cultivate, would pay rents to the old families, and would apply to them for permission to make a tank, or to plant trees, or take up additional waste.

of digging well) nor does any class claim exclusive privileges all appear to hold their fields as "tenants-at will" (i.e of the Government) neither were there any village "communities" in the sense in which the term is understood in the North Western Provinces.

Referring to South Berár Major Johnston wrote —

In these districts there are three descriptions of cultivators; *first* the "mundkári," or resident cultivator[1], who has acquired prescriptive rights to certain fields and orchards, which have been held for ages by the family and descend from father to son in hereditary succession—rights of which he cannot be deprived so long as he pays the usual rent [revenue]. *Secondly* "khu básh" or persons residing in villages at will, Bráhmans, *Musulmáns, and other castes not cultivators, who rent land* entering into agreement to renew the lease annually and bring it under cultivation, by employing other persons for that purpose obtaining those lands which are chiefly waste, or such as have been deserted by the raiyats, at easy terms. *Thirdly* "walandwár" or payakári persons living in one village who cultivate lands of another from year to year having only a contingent interest expiring with the harvest. The mundkári and resident raiyats have the choice of land in their own villages, selecting those nearest the village, unless other fields exist whose fertility will repay them for going to a greater distance.

The author goes on to explain that the right was alienable till 1818 when Rájá Chándú Lál prohibited sales (with a view to exacting a heavy fee for permission). Sir A. Lyall remarks that the revenue farmers cared nothing for prescriptive rights to hold at a fixed rent.

Captain Campbell, writing in 1855–56 says —

The village communities are indeed changed from what they originally were, but they still exist, and proprietary rights are everywhere recognized and claims are now asserted to what few cared to claim during the later years of the Native Government, when proprietary rights were often disregarded,

[1] Mund refers to the stumps and roots in the uncleared soil, so that the term implies the first clearer of land.

i.e. dwellers at ease—or dwellers by invitation at the pleasure of the village.

were far from secure, and the possession of wealth often brought loss with it. That proprietary right exists and is recognized, is shown by the right of digging or granting permission to dig wells and planting trees. The ancestors of the "proprietors" it was who built the "garhi," or small mud-walled fort, round which the huts of the villagers cluster [forming the village site or residence]. None but "proprietors" are now allowed to reside within the walls and the proof of ownership of a house within them is, in disputed cases, an admission of proprietary rights.

Mr Bushby was Resident at Haidarábád in 1853–6 and evidently was misled by North Western tradition; for he says, a system similar to what obtained in the North Western Provinces appears to have been maintained in all its integrity until the decline of the Delhi power. For this extensive assertion he does not, however give any real evidence, as we shall see. If anything like a widespread resemblance to the landlord village of the North West Provinces ever existed there must be some historic evidence of circumstances which would account for it. However let us hear Mr Bushby —

'In the smaller villages, owing to the extinction of other branches of the family there is often only one proprietor; [i. e. I suppose, only one of the old leading family], in others, and particularly in the "kasba" towns or large villages, the land has been much subdivided. There the division of "dimats" is found[1] which would appear to correspond with the *thok* of the North West, and these again are subdivided into "khel" (or patti). In some villages the whole land is common to the different khels, and no doubt, in former days, all the proprietors shared equally the profits and losses. In others the land has been regularly parcelled out, and the *asámís* [cultivating tenants] shared with it—the members of each khel sharing the profits of it, which of late years amounted to little more than the *haqs* (customary dues).

The Report, adds the author of the *Gazetteer*,

next gives in detail the history of a village in which the Marátha rulers had for many years fixed the assessments of

[1] The dimat is the major di[illegible] was unable [illegible] find any no[illegible] [illegible] or tarf [illegible] I take it to be [illegible] knew the [illegible] could [illegible] when [illegible] 879 80, I [illegible] II

each internal division of the land with the several branches of the original family that had settled in this township. These headmen of each *khel* or *dmat* agreed with the Marâthâ officer for the rents to be paid upon the lands claimed by each *khel*. But when the country was transferred to the Nizam his Taluqdar farmed the whole estate to a stranger who rack-rented it for seventeen years, breaking down all the twenty-two original headmen into mere cultivators and collecting direct from each holding. At last the Taluqdar took to squeezing his farmer, probably treating him as a full sponge, and wrung him dry in one season by raising the demand from R. 17,000 to R. 25,000. The farmer collapsed, and the village was afterwards given year by year to the highest bidder. Of course, when the estate came into our hands, no actual proprietary rights existed at all.

§ 3. *Remarks on the Quotation.*

On this extract it is to be remarked that it only professes to describe a few special cases; most of it relates indeed to one particular group, which may very well have been the centre of some lordship or even a revenue-farming grant in past days. The case cited was of one of the larger villages, or kasba, at which under the old system a hereditary (watandár) official would be located. It is extremely likely that such a person—a desmukh or desái or déspánde, for example—had founded the place and in virtue of his power and local influence had got the best land all round into his own hands. Long after his death his sons would succeed jointly to the family official position and would divide the lands—doubtless augmenting them in various ways, till there came to be twenty-two headmen—elders of the different branches.

We know from the case of the Guzarát estates (p. 267 ante), that every member of the old families gives himself the title of the ancestor—not only the oldest; *all* are pátel or déspánde, or whatever it is, and their shares in the dignity and family land would be called by names indicating shares as khel or patti. Just as we have seen in the case of the Guzarát girásiyá chiefs or the jágírdárs (so called) of Ambála in the Panjáb, the family division of

any privilege or profit is called by these names. However this may be it is quite impossible to treat the evidence offered, as sufficient to show that joint or landlord villages were really established as a *general* institution over the older villages replacing i. e., the still earlier form of Dravidian times (when Gondwáná was a kingdom). I do not mean to imply that a pure Dravidian population survived down to modern times. As a matter of fact the Gonds now form a limited portion of the inhabitants of Berár The Kunbí is the most numerous landholding caste they are almost certainly a mixed race of Dravidian and Aryan blood. There is nothing historically to show that the Kunbís represent a race of overlords by conquest, or that joint-villages were formed by them over the whole country On the contrary the village formation of Berár was in all probability exactly the same as that of the Central Provinces. Ancient Berár may fairly be described as a Dravidian country leavened with an Aryan or Hindu admixture, and ruled over by Hinduized princes[1]

§ 4. *Actual State of Landed Rights.*

Whatever the truth of the past history may be, the present condition of village tenures is beyond question and it can hardly be doubted that a secure title for every actual occupant—with a just and practical settlement of disputes, where one claimed a certain privilege over another on any given holding,—was a better gift from Government than an attempt to reconstruct a ruined edifice of hypothetical joint-villages where the proprietary body would hardly be found without the most doubtful selection while end less trouble would have been caused in attempting to allow for the claims of those now in possession.

The new title is as simple as possible. Subject to certain restrictions —some intended to guard the rights of Government, and some to check excessive subdivision,

[1] See the note on Kunbís at p. 26 ante. The Chalukyá princes who reigned in Berár up to the thirteenth century or later were most probably of the mixed stock —not pure Aryan.

which is the chief defect of a peasant proprietary — the occupant is [practically] absolute proprietor of his holding may sell, let, or mortgage it or any part of it cultivate it or leave it waste so long as he pays its assessment.

§ 5. *Effects of British Rule.*

The secure title which the Berár raiyat now enjoys was not the immediate first-fruit of British government. As in many other provinces, early revenue-management was a failure, and it was not till some years had passed that the administration settled down into order. Sir A. Lyall's *Gazetteer* contains some just reflections on the fact, that though in the end we have given Berár prosperity and peace, *our own early management* in the *adjacent districts* of the Dakhan was not such as to give us a standpoint of moral elevation from which to lecture the Nizám. The fact is, that the conscious maladministration of Native rule, was nevertheless both elastic, and in the end resistible by evasion or revolt while—

the unconscious maladministration of the early English school was rigid, and practically irresistible. Even in 1853, when the Nizám's taluqdárs had, in North Berár made over to us a squeezed orange, we began by attempting to collect the extraordinary rates to which the land revenue demand had been run up by our predecessors; whence it may be guessed that the agriculturists did not at once discover the blessings of British rule.

On the other hand, there are some reasons why cession to the British should have been more popular in Berár than it is usually found at first to be. Peaceful cultivating communities, living at a dead level of humble equality under strong tax-collectors, got none of those compensations which indemnified the Rájput clansmen of Oudh for chronic anarchy and complete public insecurity. Rough independence, the ups and downs of a stirring life, a skirmish over each revenue instalment, and faction fights for land, affording a good working title to the survivor—all these consolations were unknown to the Berár Kunbí,* nor would they have been to his taste had they been within his power. He had as much land as he wanted without

quarrelling with any one all that he desired was secure possession of the fruits of his labour and a certain State demand[1]

The classes which lost by the assignment of Berár to British administration, were those who had hitherto made their profit out of Native administration, the taluqdárs, the farmers of any kind of revenue, and the hereditary pargana officers.

§ 6 *The Modern Survey Tenure.*

We have seen that in adopting a raiyatwárí system we recognize a practical simplicity of tenure, which is not necessarily uniformity There are the individual occupants of land or individual holdings in the hands of several members of the family but one holding is in no way responsible for another These are the elements with which we deal The system does not theorize about the nature of the right it practically describes and secures it. It does not speak of a proprietary title in set terms but practically the occupant of land is as well secured as if it did We have first to consider the incidents of the occupancy tenure itself and then to describe any customs which may be worthy of notice regarding methods of cultivating by the aid of tenants or in partnership or otherwise. It does not follow that because a man is the occupant of land that in all cases he must cultivate it with his own hands or those of his relatives He may employ tenants, and provide for the cultivation in other ways

tenure is the same in all essentials, under the Berár rules and the recognized custom.

The holder on his own account, of a field or survey number (whether an individual or a number of co-sharers or co-occupants) is called the registered occupant, or khátadár He holds on condition of paying the assessed revenue and other dues[1] being in arrears at once renders liable to forfeiture, not only the right of occupancy but all rights connected with it, viz. those over trees and buildings.

On the other hand, no occupant is bound to hold his land more than one year if he does not like it. As long as he gives notice according to law i. e. in due form, and at a fixed season (so that the land may be available for cultivation to a successor) he is free to relinquish his holding or any part of it, comprising an entire survey number or part of a survey number his separate occupancy of which is recognised in the revenue accounts. But he must pay up the revenue for the year This is only reasonable in the interests of the public treasury

A transfer of occupancy by sale or otherwise is also subject to the same condition, for it is in effect a relinquishment by the registered holder and an assent by a new-comer to take the holding in his place the Government is not bound by the transfer till the current year's revenue is paid up

Though the occupant is thus at liberty to diminish his holding according to his own pleasure, he is, nevertheless, free to maintain it for ever if he chooses. At the close of the thirty years Settlement he must accept the revised assessment (if any alteration happens to be made), just as in any other Indian Settlement and if he does not approve of the revised assessment he may relinquish the land that is all.

The occupant of a field or number which is appropriated to agriculture (i. e. is not a plot of building land, or site in a village or town, &c.), may do anything he pleases in the

[1] See Settlement Rule 1 and compare B. Rev Code, section 73.

way of improvement, and may erect farm and agricultural buildings or plant fruit-trees. But he must not apply it to any other purpose than agriculture without the permission of the Deputy Commissioner

§ 8 *Occupancy in Dwelling Sites.*

Under the head occupancy perhaps I ought to allude to the allotment of building sites in villages. For details I must refer the student to Resident's Book Circular VII of 1885 (cancelling VII of 1878) and to Commissioner's Book Circular XXIII and XXVI of 1879 and IX of 1880. These Circulars are, however still under reference, and final orders have not yet been issued. It will be enough to say that the occupancy right in sites is the same as an occupancy right in agricultural holdings when properly acquired. Villages are everywhere expanding, and there is an increased demand for dwelling sites but the rents that can be obtained will compensate existing occupants of the neighbouring cultivated numbers for giving them up for building and thus they can themselves arrange, first obtaining the Deputy Commissioner's permission (Circular IX of 1880) for diverting the land from agricultural purposes.

Assignments of sites in villages, if any such are still available for the purpose, are regulated by the village head man, or the village Committee where there is one under rules[1] which were provisionally issued in Resident's Book Circular IX of 1882

§ 9. *Cultivating Tenures.*

I have remarked that the occupant does not always mean the actual cultivator The *Gazetteer* has accordingly classified the forms in which land is actually worked or enjoyed, and I cannot do better than adopt the classification, re-arranging it, however in form, so as to make it more easily understood. It will stand thus —

[1] Village Panchayats or Committees are appointed to do for villages what municipalities do for towns. See *Commissioner's Bk. Cir* XIV of 1881

(I) Simple occupancy where the occupant cultivates personally, or by hired labour

(II) Simple occupancy where he joins with one or more co-cultivators on the joint-stock principle.

(III) Where the occupant makes over the land to a cultivator on batái, i. e. *métairie*, or division of the *gross* produce.

(IV) The same where the *net* produce is divided.

(V) Where the occupant leases to tenants at money rents.

As to (II) the joint-stock plan, I cannot do better than quote Sir A. Lyall —

Land is now very commonly held on the joint-stock principle certain persons agree to contribute shares of cultivating expenses, and to divide the profits in proportion to those shares, the proportion being usually determined by the number of plough-cattle employed by each partner These shareholders have co-ordinate proprietary rights in the land. If you admit a partner without stipulation as to terms, you cannot turn him out when you wish to get rid of him, although you can dissolve the partnership by division of shares.

It is not always easy to distinguish proprietary shareholders from tenants, but the precise facts of each case will determine the question. There is, for instance, in some places a kind of tenancy called ṅg bail ki, which means that the khátadár (registered occupant) provides the 'pair of bullocks for working the land and the tenant then finds the labour and other expenses, and the produce is shared between them in an agreed proportion.

§ 10. *Métairie.*

The *batái* sub-tenure (métairie), says Sir A. Lyall, was formerly and is still, very common in Berár These are the ordinary terms of the batái contract the registered occupant of the land pays the assessment on it, but makes it over entirely to the metayer and receives as rent half the crop after it has been cleared and made ready for market. The proportion of half is invariable, but the

motayer sometimes deducts his seed before dividing the grain [i. e. the batái may be of the *gross* or of the *net* produce] He (the sub-tenant) finds seed, labour oxen and all cultivating expenses. The period of lease is usually fixed, but it depends on the state of the land. If it is bad, the period may be long but no term of métairie holding gives any right of occupancy

§ 11 *Tenants as Money-rents.*

Métairies are going out of fashion[1] As the country gets richer the prosperous cultivator will not agree to pay a rent of half the produce, and demands admission to partnership Money rents are also coming into usage slowly—I think, because the land now occasionally falls into the hands of classes who do not cultivate and who are thus obliged to let to others. The money lenders can now sell up a cultivator living on his field, and give a lease for it formerly they could hardly have found a tenant. The larger landholders naturally employ tenants to work their land. In the northern and central districts money wages are often paid. Further south, the tenant on a produce rent is more common.

§ 12 *Local Nomenclature.*

The local names (now current) for the tenants above described, may be given. The **batáidár** is the tenant paying a share of the produce **karárdár** is a tenant on specific agreement, as the name implies pot-**kónidár** a tenant paying rent in money or kind, and holding from year to year

SECTION III.—TENURE BY OFFICE.

§1 *The Watan*

We now pass on to consider some cases where the origin of the land-tenure is known, and is to be found in institutions more or less peculiar.

[1] *Gazetteer* p. 98. The practice of *batái* is, howeve still very common, and doubts have been expressed to me whether it is really going out of fashion as stated.

Whatever doubts there may be as to the stages by which the *modern* village tenure has been reached, there is *one* class of holdings the origin of which has remained definite and universally recognized to this day The Maráthá system, while it cared little for differences of right in the soil, could not work without the hereditary revenue officers, the pátel[1] or headman, and pándya, or village accountant and as these officials always held certain lands in virtue of their office, the tenure of land on this basis has commonly survived. Not only these village officials, but also the staff of artizans and menials entertained for the service of the community were often remunerated by plots of land held in practically the same way The officials, especially are spoken of as watandár The Arabic term watan seems to have come into use in the days of the Muhammadan kings of the Dakhan. It means native, or home, and was adopted to signify the local, ancient, and hereditary character of the families who held the privileged lands[2] The watan, as I have already said, includes the holding of land, but is not confined to it. The hereditary watan of a village or pargana officer is the total of his official rights and perquisites —the 'inám at, or land which he formerly held rent-free, or at a quit-rent, the official precedence or mánpán on ceremonial occasions, and the right to a building site inside the village fort or mud walled garhí —with perhaps some dues and fees on marriages or other occasions.

Under our Government, the headman who actually performs the duties of office is allowed a cash salary as remuneration, and therefore his watan lands are assessed[3] like any others but still his tenure of these

1 The Maráthí form is pátil (Wilson the ordinary Hindi pátel, as I use it throughout. The word is often incorrectly written potel or potail.

2 There is an interesting note bout the *Watan*, in Grant Duff. Vol. I. pp. 33-35 and *foot-note*.

3 In Bombay under Maráthá government, the lands very often were not held revenue-free, but bore a júdí or quit rent (which was, sometimes, heavier than the British survey-assessment), and the lands have continued to pay this, or less if a reduction was desirable. The Bombay watan lands are assessed with a view to making up a fixed sum (calculated usually as a percentage of the revenue of

lands is dependent on the fact that he is a member of the family which got them originally in virtue of the office.

The succession to the hereditary lands is by the ordinary law of inheritance, so that all the heirs succeed together to the watan, though only one can be selected to perform the actual duties of office. In this way the watan lands have got to be held jointly by a number of relations and may be divided out among them in recognized shares[1]

Though the pátel family have to pay revenue on their lands and though only one is selected for the duties of office, the family is most tenacious of the dignities and small emoluments which pertain to the pátelgí, of the mánpán, or precedence in various ceremonies, and the possession of a site within the old village garhí.

The title of pátel is jealously preserved, and pedigrees are tested when a marriage is under treaty

the locality), and the sum is paid from the Government treasury to the person who actually does the work of the office. The watan lands (subject to this assessment) are held by the watandárí family at large.

I have in Vol. I. p. 81 given an extract showing how tenaciously the holders of watans cling to them how families that might, under other systems, have developed into great jagírdárs, and become the landlords of their estates, in Berár, l t go their grants, but retained the watan attached to numerous offices, which they managed to concentrate in their family. Great princes like Sindhia and Holkar retain the title of pátel. See Malcolm, i. 60, and especially ii. 13 (and note). In other provinces we have seen how inevitable was the tendency of revenue officials and grantees of the State to become proprietors of the land. They first begin with their own holdings, then by sale or mortgage and even by violent ousting, acquire other lands; then by having the power of settling the waste, they become the owners of still more (since the tenants they locate to clear waste look on them as their landlords). In this way they come gradually into such a position that they are recognized as proprietors. The Maráthás were too keen financiers to let the middleman acquire such a position, and intercept so much of the revenue and hence these officials never developed into proprietors, at least not in Berár; for in the neighbouring Central Provinces, where circumstances were different, the revenue farmer or málguzár *did*, as we have seen, grow into a proprietor just as the Oudh Taluqdár or the Bengal Zamíndár did, only the nature of farm was such that the estate acquired was more limited in extent. The effect of the system on this growth of the proprietary claim, is very curious to observe. As long as the Maráthás have strong hold on the country no such growth takes place where they are weak, and their supremacy is contested, it does so, and results in the málguzár proprietors of the Central Provinces, or the khot proprietors of the Konkán districts of Bombay

§ 2 *Pargana Officers*

The hereditary pargana officers of the same class, performing on a larger scale for the district, what the others did for the village, are by this time familiar to the student. They were retained and much employed under the Muhammadan governments and some of them rose to considerable importance. For besides their watan, and their percentage on the revenue collection, they sometimes received grants in jágír and gave military or police service. The deśmukhs of Sindkér and Básim were local magnates of this kind. When the Delhi empire in the south began to decline they sometimes obtained their districts in farm the title of Zamíndár was sometimes applied to them, and had circumstances been favourable they would in time have developed, like the Oudh Taluqdár or the Bengal Zamíndár In 1856 it was found that some of them were holding what was called amlí,—apparently on a permanent and hereditary contract to pay a certain sum of revenue for their district. In Raichur (a district of the Haidarábád State) they had become landed proprietors with a right to the villages so long as they paid the fixed tribute. Similar but *not permanent*, was the mahita contract given to deśmukhs. In Berár these contracts, and therefore the opportunities for growth into landlords, were never given and under Maráthá rule the services of these hereditary official families were not employed[1]

The deśmukhs and deśpándyas have now no official duties their families enjoy certain allowances which are charged on the land revenue.

The first Resident (in 1853) was able to report that nowhere had these officers become proprietors, but were still only hereditary pargana officers. Nor was this, apparently owing to any want of capacity for progress in the officers themselves if they had had the chance for it was observed that, besides their money dues, they had

[1] The Maráthás appointed kamavisdárs of parganas over the heads of the hereditary local officials.

obtained large quantities of 'inám land and that the most boundless impositions had been thus committed on the State, and the most extravagant pretensions advanced by members of the families who had got lands—whole villages sometimes—into their possession.

Section IV.—Tenure by Grant

§ 1. *The Jágír.*

These were either large grants by the governing power on terms of military service, called (here as elsewhere) jágír or else there were smaller grants spoken of as inám, —the muáfí of other provinces. Originally it may be assumed that the *sanads* only conveyed the revenue on the area mentioned. The jágír in fact, was as the *Gazetteer* states —

an assignment of revenue for military service, and the maintenance of order by armed control of certain districts. In later times, the grant was occasionally made to civil officers for the maintenance of due state and dignity. The interest of the stipendiary did not ordinarily extend beyond his own life, and the jágír even determined at pleasure of the sovereign. But some of these grants, when given to powerful families, acquired a hereditary character. The Basím deşmukh has held a village on this tenure for about 150 years. It would seem, nevertheless, that until recently these estates very seldom shook off the condition under which they were created. The assignments were withdrawn when the service ceased and they were considered a far inferior kind of *property* to that of hereditary office. For instance, the Sindkher deşmukh, whose family held jágírs in the sixteenth century possessed in the nineteenth only lands and dues attached to offices (watan). The family had given up its jágírs, yet it seized on every sort of *watan* on which it could lay hands. Probably the double government of the Maráthá and the Nizám kept this tenure weak and precarious. The Nizám would have insisted on service from his jágírdárs during his incessant wars. The Maráthás treated the Mughal jágírdárs very roughly taking from them 60 per cent. of all the revenue assessed, wherever such demand could be enforced. To plunder an enemy's jágír

was much the same as to sack his military chest it disordered the army estimates. When this province was made over in 1853 to the British, some villages were under assignment for the maintenance of troops, and these were given up by the holders.

There are still, in Berár several personal jágírs without condition of service which have been confirmed to the holders as a heritable possession. Originally no jágírs were hereditary except grants made to pious and venerable persons, sayads, faqírs, and the like. But when Court favourites and members of high families got such grants, they were often continued to the next heir as a sort of pension, and thus gradually became regarded as in their nature heritable. Any right taken under a grant, provided it is of a whole village, or more than one seems in Berár to be called by the name jágír Nearly all were given by the Delhi Emperor or the Nizám, and one or two by the Maráthá Peshwá.

In the case of small grants, often of waste land, it seems that they really were of the proprietary right in the land. These, remarks Sir A. Lyall, are perhaps the oldest tenures by which specific properties in land are held in Berár [1]

§ 2 *Modern View of the Right.*

These remarks will render intelligible the modern practice in dealing with jágírs and smaller grants, as to the question of right. The *Settlement Rules* [2] declare that when the land granted was waste and was settled and cultivated by the grantee, the *full proprietary right* is considered to have been granted. In other cases it depends on the terms of the grant. Naturally in the case of a small plot of inám, the grantee would (himself alone or with his family) be the existing occupant so there would be no question but that he was meant to receive the proprietary title at least this would be true in most cases.

In large jágírs, however there would be a number of

[1] Gazetteer p. 101 [2] See Rule XIX.

obtained large quantities of inám land and that the most boundless impositions had been thus committed on the State, and the most extravagant pretensions advanced by members of the families who had got lands—whole villages sometimes—into their possession.

Section IV.—Tenure by Grant

§ 1. *The Jágír*

These were either large grants by the governing power on terms of military service, called (here as elsewhere) jágír or else there were smaller grants spoken of as inám—the muáfi of other provinces. Originally it may be assumed that the *sanads* only conveyed the revenue on the area mentioned. The jágír in fact, was as the *Gazetteer* states:—

an assignment of revenue for military service, and the maintenance of order by armed control of certain districts. In later times, the grant was occasionally made to civil officers for the maintenance of due state and dignity. The interest of the stipendiary did not ordinarily extend beyond his own life, and the jágír even determined at pleasure of the sovereign. But some of these grants, when given to powerful families, acquired a hereditary character. The Basím deshmukh has held a village on this tenure for about 150 years. It would seem, nevertheless, that until recently, these estates very seldom shook off the condition under which they were created. The assignments were withdrawn when the service ceased; and they were considered a far inferior kind of *property* to that of hereditary office. For instance, the Sindkher deshmukh, whose family held jágírs in the sixteenth century possessed in the nineteenth only lands and dues attached to offices (watan).

The family had given up its jágírs, yet it seized on every sort of *watan* on which it could lay hands. Probably the double government of the Maráthá and the Nizám kept this tenure weak and precarious. The Nizám would have insisted on service from his jágírdárs during his incessant wars. The Maráthás treated the Mughal jágírdárs very roughly, taking from them 60 per cent. of all the revenue assessed, wherever such demand could be enforced. To plunder an enemy's jágír

was much the same as to sack his military chest it disordered the army estimates. When this province was made over in 1853 to the British, some villages were under assignment for the maintenance of troops, and those were given up by the holders.

There are still, in Berár several personal jágírs without condition of service which have been confirmed to the holders as a heritable possession. Originally no jágírs were hereditary except grants made to pious and venerable persons, sayads, faqirs, and the like. But when Court favourites and members of high families got such grants, they were often continued to the next heir as a sort of pension, and thus gradually became regarded as in their nature heritable Any right taken under a grant, provided it is of a whole village, or more than one, seems in Berár to be called by the name jágír Nearly all were given by the Delhi Emperor or the Nizám, and one or two by the Maráthá Peshwá.

In the case of small grants, often of waste land, it seems that they really were of the proprietary right in the land These, remarks Sir A. Lyall, are perhaps the oldest tenures by which specific properties in land are held in Berár[1]

§ 2. *Modern View of the Right.*

These remarks will render intelligible the modern practice in dealing with jágírs and smaller grants, as to the question of right. The *Settlement Rules*[2] declare that when the land granted was waste and was settled and cultivated by the grantee the *full proprietary right* is considered to have been granted In other cases it depends on the terms of the grant. Naturally in the case of a small plot of inám, the grantee would (himself alone or with his family) be the existing occupant, so there would be no question but that he was meant to receive the proprietary title at least this would be true in most cases.

In large jágírs, however there would be a number of

[1] Gazetteer p. 101.

[2] See Rule XIX.

villages already held (as any other villages are) by the occupants of the land. In such cases the grant places the jágírdár over their head and the question arises—was the jágírdár meant to be the owner and the existing holders to be regarded as only his tenants? The question is not without importance as obviously if the jágírdár is practically the owner he ought to be treated as the registered occupant of every field in his estate, besides owning all the trees and all the waste. If he is not the owner then he would only be a grantee of Government revenue of the whole, i. e. the villagers instead of paying the share of the rental or produce to the State, would pay it to the jágírdár. *They* would then be the registered occupants, and the grantee would only be the registered occupant of just as many fields as he had in his own particular holding.

§ 9. *Question of the Jágírdár's Rights.*

It was originally a matter of some difficulty to determine this question. It was thought by some officers that the jágírdár was proprietor of all, and it was accordingly held that his estate should neither be assessed nor surveyed: that in fact it was a revenue-free estate, and that Government had no concern with anything within its limits. This proposition was not, however accepted; and it was ultimately laid down in the *Settlement Rules*, that all such estates were at any rate to be surveyed. It was admitted that the jágírdár had the right to the waste numbers, and might locate cultivators on them as he pleased; and that he owned all the trees which would have belonged to Government had there been no grantee. All occupants of land, however who had held from a period antecedent *to the grant, were to be treated as occupants of their* holdings, and from them the jágírdár could not take more than the revenue assessed on the holdings. The question still, however was not settled whether the jágírdár could be regarded as the proprietor of *other* lands. If he was not, the occupants could only be charged with the fixed revenue, just such as Government would take, no matter

what was the date of their holding—since the jágírdár was only in the place of Government, and had no greater rights than Government claimed. If he was the occupants were his tenants, and he might take from them what was agreed to provided they were not under the terms of the rule above alluded to.

The question has received its latest solution in the Resident's Circular No. XXIII of 27th March, 1879. It is in fact left to the real circumstances of the case and the terms of the grant. If the jágírdár lived apart, and did nothing but receive the revenue of the estate (and in some cases he only got this paid, not to him direct by the occupants, but through the Government revenue officials) then, naturally his claim would be limited. If the grant, however, gave him the whole right, or if his practical position was such that he directly managed every holding, perhaps advancing money for improvements and stock, and exercising a close supervision over the land, he might naturally be regarded as the immediate superior holder or landlord of every field. Facts were to decide.

§ 4. *Ghátwálí Jágírs.*

In some of the hill districts, ghátwál jágírs, just like those we found in the south western districts of Bengal, were granted to Hill chiefs on condition of keeping the passes safe and open.

In Berár, writes Sir A. Lyall, as all over the world, we find relics of the age when law and regular police were confined at least to the open country, and when Imperial governments paid a sort of black mail to the pettiest highland chiefs. The little Rájás (Gond, Kurkú, and Bhíl), who still claim large tracts of the Gáwilgarh hills, have from time immemorial held lands and levied transit dues on conditions of moderate plundering, of keeping open the passes, and of maintaining hill posts constantly on the look-out towards the plains. And along the Ajanta hills, on the other side of the Berár Valley, is a tribe of Kolis who, under their náiks, had charge of the gháts or *gates* of the ridge, and acted as a kind of local militia, paid by assignments of land in the ...

are also families of Banjáras and Maráthás, to whom the former governors of this country granted licenses to exact tolls from travellers and tribute from villagers, by way of regulating an evil which they were too weak or too careless to put down

In the Akola district, at the foot of the hill ranges, some lands are held on a motkári grant, which means on con dition of keeping posts to guard the plains against the descent of robbers from the heights above.

§ 5 *Charitable Grants.*

Of the smaller 'ínám grants, many were made either for petty services or for support of religious persons or in stitutions others (called dharmmál) were made on condition of repairing and maintaining tanks and reservoirs.

§ 6 *Waste Land Grants.*

There is another kind of grant which probably ought to be noticed here—the grant of lands on liberal terms to encourage reclamation of the waste. I do not here allude to ordinary applications for unoccupied land, but to those special arrangements which were made in certain (especially the southern) districts to bring under cultivation the large waste blocks,—it may be occupying whole villages, which were not divided into the usual small survey numbers or fields. In older times these leases were not unknown; for rulers in their anxiety to increase the revenue, were often prudent enough to make some effort to restore decayed villages, or found new ones pálampat tenures are still known, being in fact ancient grants for restoring villages thrown out of cultivation, and of course given on favourable terms. They are *perpetual* leases. The first grants of this kind under the British Government were certain long leases at a fixed and favour able rate made in 1865, and spoken of as ijára [2] (izára). They were leases for thirty twenty or fifteen years, of waste or wholly or partly uncultivated villages, beginning at a low rent, which was gradually to rise with spread of cultiva

Gazetteer p. 103. [2] *Id.* p. 109.

tion At the end of the term the grantee has the option of taking the whole village on certain terms, or of remaining as the headman while the actual cultivators take the numbers as registered occupants. If the lessee elects to take the village as the occupant he will obtain a *sanad* (deed) granting him the village in perpetual hereditary and transferable right, subject to the payment of the revenue assessment at one-half full rates upon the whole cultivated and cultivable area. He will then be styled owner (málik) of the village, which will be entirely his own to dispose of as he pleases. If he does not so elect, he can take the pátelship without any proprietary right, getting 25 per cent. on the collections from the cultivators, but this only on condition that one-third of the culturable land had been brought into cultivation on the expiry of the lease.

Upon the expiry of leases, a new assessment upon all the assets of the estate, is to be made and the mainteance of an adequate staff of village officers will be stipulated for in all *sanads* finally issued[1]

Besides these grants of a special character there are leases under Waste Land Rules applicable to the only districts where there are still large tracts of available waste, viz. Wún and Básim (South Berár). The Rules in detail may be seen in the Resident's Book Circulars XXIII and XLVIII of 1880, superseding those of 1876. The waste available is shown in two classes, and the list excludes all such land as is permanently valuable as forest. In each class (according to the difficulty of reclamation and value of the soil), the proportion of assessment levied in the first three, the fourth and the fifth years of the lease, are different. The initial charge is from $\frac{1}{16}$th to $\frac{1}{4}$th of the full assessment and gradually rises till the full rate is reached. These rates are subject to the usual road and school cesses, and the jáglá (village police or watchman) cess of 1878 The lessee, during the currency of the lease, is pátel and

[1] I am indebted for this information to Mr E. A. Hobson, the Survey and Settlement Officer in Berár

patwári of the village. Lessees make their own arrangements with tenants Certain valuable trees are reserved from being cut without permission of the Deputy Commissioner[1]

After expiry of the lease, the village will be liable to be surveyed and assessed but the offices of pátel and patwári will be offered to the lessee or to one of his assigns or representatives, and he or they will be recorded as occupants of all land then in their own cultivation.

Leases may be transferred with the sanction of the Deputy Commissioner

As to penalties for breach of conditions and forfeiture for arrears of revenue the Rules may be referred to

[1] Quarries and mineral products—with the excellent addition of tombs, temples or ancient remains—are also reserved. (Resident's Circular XLVIII, p. 80).

CHAPTER III.

THE LAND-REVENUE OFFICIALS AND REVENUE BUSINESS.

Section I.—The Officials.

§ 1 *Organisation of the Province.*

This chapter may be a very brief one, for the administration of Berár possesses no special features which call for detail. In form, the administration closely resembles that of the Panjáb or any other non-regulation province. The Resident at Haidarábád being the head of the Government (as agent for the Governor-General), the districts are managed by Deputy Commissioners of whom there are six,—one to each district. There are also assistant and extra assistant Commissioners.

The District Officers are supervised by a Commissioner who is over the whole six districts, and has revenue and administrative, but no judicial, duties.

The district is subdivided into tálukás[1] and over each is a tahsíldár.

Every village has its headman or pátel and accountant (kulkarní or pándya), and there is the usual staff of menials and artizans. In each village there is a sort of public office or place of assembly called *chauri*[2]

[1] This is the usual and vernacular term: but they were often called pargana from the days of the Muhammadan rule, when the officers naturally adopted the Persian term which was in general use in the Empire.

[2] The word is the same as the healtry of Reports, and is equivalent to chávadi in Madras.

§ 2 *Details already given.*

The remarks made in the chapter on Bombay regarding the importance of inspection by district officers are equally applicable here and the annual *jamabandí* is conducted in what is practically the same manner No special description is therefore called for

I have only to notice briefly the village officers and their duty

§ 3. *The Kulkarni or Patwárí.*

The duties of patwáris and pátels are regulated by the Berár Pátels and Patwáris Law (Notification 10-I, 1st January 1886 Government of India, Foreign Department), republished in Resident's Book Circular V of 1886

The hereditary or watandár patwárí may not be holding the office owing to personal unfitness or other cause in that case a gomásta pándya (talátí of Bombay) is employed. In any case a fixed percentage on the revenue is allowed the patwárí as remuneration for his duties.

I have before alluded to the ancient organization under which the pándyas of villages were supervised by the despándya[1] of a pargana or small district, just as the village pátel was by the desmukh.

Neither office now survives In each táluká, a 'munsarim has duties of inspection in circles of villages, like the *kánúngo* of North Western India, or the Revenue Inspector of Madras.

§ 4. *The Village Headman.*

The pátel or village headman in Berár is usually hereditary that is to say the watan descends by inheritance in the family to as many sharers as are entitled to succeed; and as only one of the family can be selected to do the actual duties of the office it is one son or relative,—the fittest that can be found, that is appointed. It may occasionally happen that no one in the family is fit, and therefore that some one else has to be appointed.

[1] It has been explained that in Berár (as in Bombay) families which retain these titles are now *inám* holders, or pensioners without public functions.

I have already mentioned that watan lands are not now left revenue-free as a remuneration for official work. The pátel's remuneration for this is a fixed cash per centage on the revenue which is paid to him after the revenue of his village has been found accurately brought to book in the treasury records. The person who holds the office is alone entitled to the emoluments. And those emoluments are not (Rule 10) liable to attachment by a Civil or Revenue Court.

In small villages, the pátel has both revenue and police duties. He is agent for the collection of the State revenue, and is superintendent of the jáglias, who form in fact a sort of village police they are not, however organized under the police department, and they perform many duties as messengers, guardians of boundary marks, &c., which the regular police do not.

The pátel must give information of all crimes, and, in cases of necessity may arrest persons and enter houses for the purpose.

In some of the large villages a police pátel is appointed separately from the revenue pátel. In that case the former has charge of the village cattle-pound and gets certain allowances from the pound fees[1]

§ 5. *Village Accounts and Records.*

The system depends to a great extent for its working on the efficiency of the village patwárís. The accounts and records maintained by the officials have as much importance here as they have under the system of North-Western India.

I shall therefore describe the records which the Berár patwári is required to keep as this will give some insight into his work. The patwári's papers are now reduced in number

(1) The jamabandí patrak, or statement showing the fields held by each raiyat, and the assess-

[1] There are subsidiary rules defining these duties, &c. See 21 of the Notification quoted.

ment payable for the year this is most important in connection with the annual 'jamabandí' under the raiyatwárí system.

As the holdings change hands, and every change shown in the *patrak* should be accounted for the patwárí has to keep (as vouchers) the different applications for land, and the rázinámas giving up land or showing transfers, and the kábulaits or acceptances of the other party: this document has, moreover to give all details,—the area of each field; the assessment (or the fact of its being revenue-free) if there is any outstanding balance the dues on account of the jáglia (watchman) school, and road-cess the name of the registered occupant a list of trees over six hands high, growing on the land (mangoes, other fruit trees, máhwá trees, and 'sindhí (date-palm), are shown in the columns) if there are wells, they are recorded, and their kind, i.e.—whether 'kachchá or pakká (lined with masonry) whether used for garden irrigation or for drinking —whether good or brackish.

(2) To this is appended a supplementary register of fields lying parít, or uncultivated. It shows the area culturable and unarable the assessment, if any; the wells and trees (as before) it distinguishes which fields are kept for grazing and as special grass reserves ('ramná), and what lands are occupied by village-sites and so not available for cultivation. Against these, are three columns for the year's receipts under the head of—(*a*) income from grazing (*b*) fruit, mangoes, &c. (*c*) from máhwá trees.

(3) The 'lámi kamjyásti tippan shows changes in occupancy right, viz. the rázinámas and kábulaits accepting occupation and relinquishing it.

(4) The péré-patrak[1] or inspection report, gives the particulars of the *crop raised* on each field. It records the area of each field, deducting the parts that are waste or not under crop, and

[1] From the verb *pérné* 'to sow

showing the balance cultivated cultivation is classified as wet, dry garden, or rice. This information is entered in separate columns for each harvest, rabí and kharif (spring and autumn)

The patwárí has also the duty of seeing that every payment of revenue is duly written up in the receipt book (pautia-bahí) which each registered land-occupant holds.

This is of great importance to protect the occupant from the exaction of double payments and further on account of the danger that the occupant runs of losing his field if the revenue has not been duly paid.

Section II.—Revenue Business.

§ 1 *Taking up relinquishing and transferring Lands.*

In the earlier days of our Government (and it is so still, in a few less advanced districts) there were not only many numbers unoccupied though capable of cultivation, but many changes took place owing to people relinquishing land[1]

In long-settled and prosperous districts this is, of course, very much less the case land has become valuable, and every number that can possibly be cultivated has been long since occupied, and no one now thinks of relinquishment. Transfers by contract or on succession are practically the only changes that occur I will, however describe the rules which were laid down on the subject of unoccupied numbers, and on relinquishment and transfer I have already remarked that the whole of the cultivated and culturable lands, not including intervening tracts of waste, were all divided out, on the principle described, into fields or numbers of a certain size, and were surveyed and

[1] The Wún district is still, I believe, an instance The Gond cultivators are very superstitious, and the occurrence of anything which the village astrologer declares unlucky or the appearance of some sickness, causes the people to throw up their land and decamp.

assessed or else left allotted for specific village purposes. But large tracts of waste (as in the Básim district) were only marked off into blocks, not divided into numbers in the first instance. A number of these blocks have since been gradually cultivated and now are divided into regular numbers permanently occupied. Rule XIII in the Settlement series provided for the procedure to be observed while such a course of gradual taking up of blocks bit by bit was in progress but this procedure has now become obsolete, since the portions so taken have long since been brought on to the register.

When any person wishes to take up a survey number which has been relinquished by some one else, or has been hitherto unoccupied, he must take the whole number but several persons may combine to take a number between them.[1]

As regards numbers that are not occupied in the sense of being used for agriculture, such lands are no longer available to be ploughed up the object being to keep a sufficiency of land as (1) grazing ground, (2) ramná or grass preserves i. e. in fact hay fields which are *cut*, not grazed over and (3) woods, bábul ban, &c. This reservation is practically permanent[2] and cannot be cancelled without special sanction. The produce of those lands is disposed of by the Deputy Commissioner according to convenience, e.g. grazing-land will be auctioned, or (as in Ellichpur) a group of grazing numbers may be thrown together and cattle admitted on payment of so much *per* head. In 'ramnás' the right of cutting and removing the season's grass is auctioned. The woods are worked systematically and their annual produce in firewood or timber &c., realized accordingly.

Where any land becomes available application for a number is made by filing what is called a kábulait, i.e. a document agreeing to take the number and pay the assessment. This is presented to the village officer who

[1] *Settlement Rule* XII.

[2] *Settlement Rules*, XIV and XVII. Compare the *Bombay Code* sections 38, 39.

sends it to the tahsíldár[1] who satisfies himself that the application can be granted, and returns an order to that effect, so that the patwári may make the needful entry in his village accounts. Relinquishment is effected in the same way by presenting a rázínáma. It must be done before the 31st March in each year[2]

This is one of the subjects on which the Berár Rules differ from the law of Bombay If one sharer wishes to relinquish, the Bombay Code makes it a condition that if no one will take the vacant share, the whole field must be given up. In Berár this was thought hard and Rule VII merely provides that the share is first to be offered to the others if it is not taken up (but it always is) by them, it remains unoccupied as a share, but the other sharers retain their shares. So when a registered occupant dies, the name of the eldest or principal heir is entered, but the names of others succeeding with him (according to the law of inheritance) must be entered also and if the family property is divided each co-heir will have as full power over his share as the person whom he succeeded had over the original holding, and, if he wishes it, his name can be entered in the Government books as a separate sharer and he may pay his rent (revenue, &c.) separately to Government.

Transfers can be made by registered occupants by rázínáma (the other party giving a kábulait) in a similar way to that above described. The transfer may be effected at any time, but Government will not recognize it, i. e. will still hold the originally registered occupant liable, till the current year's revenue is paid up[3]

A right of *pre-emption* is recognized to the co-sharers in a number when a share lapses or is relinquished. If there are more than one co-sharer the order in which they can claim is according to the size or extent of the share[4] This applies to co-sharers having a joint right in a holding, as well as to those whose shares have been divided so that

[1] See *Ber* Code, section 60, for a similar provision in Bombay *Settlement Rule* XXI.

[2] *Id.* IX, and see Circular (Commissioner's) IV of 1864.

[3] *Ibid* VII, VIII, Resident Book Circular XXVII of 1851.

each has a right over a known part. Should waste numbers or relinquished lands be available, people in the village have a claim to them before outsiders a sub-tenant (cultivating tenant) has also a claim before an outsider (*Settlement Rule* XXI).

§ 2 *Other Branches of Duty*

I do not say anything about partition, alluvion and diluvion, or the recovery of arrears of revenue. These matters are regulated in Berár by circulars and local rules of practice but in all essentials the rules are the same as under the Bombay Code

Boundaries are preserved on the principles of the Bombay Act III of 1846 (still referred to, as the Code of 1879 has not been introduced)[1] Where a State forest and a village-boundary are conterminous, the boundaries are preserved by the Forest Department under Resident's Circular VI of 1881 (see the whole Circular). If there is a dispute it must be settled by a law court[2]

In Berár the revenue becomes due in two instalments, on 15th February and 15th April[3]

The late date for the autumn harvest (February 15) was fixed so as to allow for the ripening of the sugar-cane. The spring harvest (April 15) comes sooner so far south, than it does elsewhere.

The subject of instalments has been very carefully considered in Berár in consequence of a very able minute on the subject by Mr W B. Jones. The above dates being fixed it has still to be considered what revenue will be paid from each field at either date. This depends on the character of the cultivation. The village yearly *jamabandí* papers show for each field, whether it is under a rabí or a kharíf crop and in the proper column will be entered at which of the above dates the revenue is payable. In the

[1] See for example, Commissioner Book Circular II of 1883, and *Settlement Rule* XXIV, XXV

[2] *Settlement Rule* VI.

[3] *Settlement Rule* XXIII has since been modified to the dates given in the text.

case of fields partly under one and partly under the other there are simple rules for apportioning the payments.

This system is accompanied by a plan for suspending the demand in a bad year When such an event occurs, the Deputy Commissioner has authority to apply the rule. If a field shown as having a kharif crop is noted as nápiká (withered) and the field is sown again for the rabí there is no demand made on it till April 15th. In most cases the cultivator will have secured a spring crop and will be in funds.

Part IV—ASSAM

CHAPTER I

INTRODUCTORY

Section I—The Local Features of Assam

§ 1 *Nature of the Revenue-System.*

In this volume, up to the present chapter we have been dealing with the Raiyatwárí systems—distinctively so called—as formulated for the great Presidencies of Western and Southern India. Having described the origin and growth of the administration in Bombay and Madras, we now turn to the remaining provinces of British India, each of which has a revenue-system peculiar to itself, and not directly derived or copied from any other But inasmuch as these systems are all based on the same principle of direct dealing with the individual cultivator and his separate holding without any middleman landlord or joint responsibility of a group of landholdings they are essentially raiyatwárí, though they may not be officially so

designated. For this reason Book IV has been entitled Raiyatwárí *and allied* Systems. Assam, Coorg and Burma represent such allied systems. Each is however quite distinct, and was constructed solely on the lines of the provincial features and historical developments in each it will be found that respect is had to customs and practices which have grown up in the course of time, and which it would have been impolitic to alter or ignore.

§ 2. *Constitution of the Province.*

The Assam province is made up of several elements — (1) The Assam valley never subject to Regulation law (2) The Goálpára district (really one of the Valley districts) part of which was old Bengal territory permanently settled and part acquired (as the Eastern Dwárs) after the Bhotan war in 1866 (3) The districts of Sylhet and Cachar (Káchár), the former being old Bengal territory and in part permanently settled. (4) The hill districts in the centre of the province, and also on the frontiers, subject to special rules.

The old Bengal districts represent some curiosities in their land tenures and will demand a separate notice but the main object of the present chapters is to describe the special system on which land is managed in Assam Proper and to explain the general law which governs the official appointments, and the duties and procedure of revenue-officers. This latter applies to the old Regulation districts, as well as to the rest of Assam.

The separation of the province (from Bengal) was ordered in 1874 under powers given by the Act 17 and 18 Vic. cap 77[1] The first notification was exclusive of Sylhet, but this district was added to Assam in the same year only by a separate notification[2] The whole province forms a

[1] See Notification No. 379, dated 7th February, 1874 (*Gazette of India*, part II. p. 53)

[2] Sylhet or Silhat is properly Srihatta. See Notifications Nos. 1 49, 2343, &c. (*Gazette of India*), dated 12th September 1874. By these the district is brought under the 33 Vic. cap. 3 taken under the direct management of the Government of India, and then placed under the Chief Commissioner to whom also certain

Scheduled District under Act XIV of 1874 and the Statute 33 Vic. cap. 3 applies to it.

An Act (VIII of 1874) was passed to vest in the Governor General as Local Government all the various powers that had been given by law to the Lieutenant-Governor of Bengal, or to the Board of Revenue, as regards Assam exclusive of Sylhet. The Act provides that all such powers shall be taken to be transferred to and vested in the Governor General in Council and then the Governor-General is empowered to delegate to the Chief Commissioner all or any of the powers so vested, and he may withdraw the same.

A similar Act (XII of 1874) was passed for Sylhet, which was on a somewhat different footing from the rest of Assam. It was not only (in part) permanently settled, but it had been an integral part of Bengal and not under any separate or special law

By notification [1] the Governor General delegated to the Chief Commissioner all the powers which were vested in the Lieutenant-Governor of Bengal by the direct operation of any Act of the Governor General in Council as well as the powers of the Board of Revenue.

By the effect of the General Clauses Act (I of 1868), Section 2 Clause 10 all powers vested in a Local Government by any Act subsequent to the constitution of the Chief Commissionership are exercisable by the Chief Commissioner

§ 3. *Territorial Division of the Province.*

The districts of the Assam Valley (Valley of the Bráhmaputra River) are divided into Lower Assam, i.e. the districts of Goálpára, Kámrúp, Darrang and Nowgong, and Upper Assam i.e Sibságar and Lakhimpur The Assam Hill range (in the centre of the province) includes i.e. the districts of the Gáro hills the Khási and Jaintiyá hills, the

powers lately exercised by the Lieutenant-Governor of Bengal and the Board of Revenue are delegated.

[1] No. 522, dated 16th April, 1874 (*Gazette of India* 18th April, 1874 p. 182) and for Sylhet a notification dated 12th September 1874

North Cachar hill subdivision, and the Nága (or Nogá) Hill district beyond the last are the Independent Nágás and the hills of Burma. Lastly we distinguish the valley of the Surmá, comprising the district of Sylhet with the plain parganas of Jaintiyá and the plain portion of Cachar

§ 4. *Arrangement of Subjects.*

I propose first of all to give an account of the Assam Valley and to describe the law of the General Revenue Regulation (I of 1886 and Rules under it) which legalizes the system of Settlement and revenue.

That done, I shall devote separate sections to the notice of (1) Goálpára, (2) Cachar (3) Sylhet (including the Jaintiyá parganas at the foot of the hills of the same name), and (4) the Hill districts of the Central or Assam Range.

The account will close with a brief chapter on Revenue officials and their official business which is reserved to the last, as it applies, generally to the whole province.

CHAPTER II.

THE ASSAM VALLEY OR ASSAM PROPER

Section I.—Description and History

§ 1 *Features of the Country*

First let us take a general glance at the physical conditions of Upper and Lower Assam or Assam proper i. e. the districts—

Kámrúp Darrang Nowgong (Naugáoñ)	Lower Assam	Sibságar Lakhimpur	Upper Assam.

Goálpára also belongs, locally to this group but I have explained why it is not included in the present section.

The Bráhmaputra flows down the whole length of the valley receiving as tributaries the Great Dihang river on the north, and many other streams from the hills both north and south.

Except at the points where the hills impinge upon the Bráhmaputra, the river flows between sandy banks, which are subject to constant changes for a breadth of about six miles on either side of the stream. Within this belt there is no permanent cultivation, nor any habitation, but temporary huts erected by people who grow mustard on the *char* lands[1]

[1] Moist alluvial beds or islands emerging when the stream falls to its cold weather level. The cultivation in this belt of river alluvium has thus been described:—

Along both banks of the Bráhmaputra (and the area is specially large in Kámrup and Nowgong) are alluvial or *chápari* mauzas. The precariousness of the cultivation in these tracts arises from their liability to untimely inundation by the great river or by the innumerable creeks and channels with which its affluents intersect the alluvial country in all directions. The crops grown are broadcast summer rice (áhu) and Indian mustard; the former is harvested in July and August, and the latter is sown in October and November; if, therefore the rainy season opens and closes with high floods, the rice crop may be lost, and the

during the cold weather Beyond, the level of the alluvial land rises, and tillage and population take the place of sandy flats covered with long grass. Little of this is seen from the river, and the traveller up the Bráhmaputra receives the impression that the country is a wilderness untenanted by man, except at the few points where, rock giving permanency to the channel, towns and villages have been established along the stream

East of the Goálpára boundary the language spoken is Assamese west of the line it is Bengáli.

The climate is moist and the rainfall abundant. The area of forest is, of course, extensive, as every district has a background of hills which is the natural home of the forest. Famine from drought is practically impossible in Assam but fevers and other diseases habitual to moist climates are prevalent.

§ 2 *Constitution and Law of the Districts*

These districts became British in 1826 after the first Burmese war of 1824. For a long time hesitation was felt whether the province should be retained at all; and for some years only a general supervision over the practically native administration was maintained under the orders of the Bengal Government, by the Commissioner of North East Rangpur An assistant to the Commissioner was stationed in Lower Assam, and another in the Upper district.

Several chiefs were left in possession of these territories, and Civil and Criminal justice generally were administered by Councils of Assamese gentry known by the usual term—panchayat. Upper Assam was, in 1833 placed under the management of a Rájá named Purandar Singh, acting under the advice of a Political Agent and responsible for a revenue

ploughing for the mustard may be unseasonably deferred. The rice crop is the more precarious of the two. Lands used for either crop are not, as a rule, retained longer than three years, after which the cultivators move their temporary homes to fresh clearings in the reed jungles with which these *chápari* tracts are densely covered.—(*Agric. and Land Revenue Report*, 1884, § 28.)

3 *Administration Report*, 1882-83.

or tribute of R. 50 000 a year The other districts (Lower Assam) were managed, in the way indicated, under British officers.

In 1835 Act II was passed with a view to placing the British districts under the supervision of the Sadr Court of Bengal (the principal Court of Justice was then so called)—as to judicial matters, and under the Board of Revenue for revenue matters, both subject to instructions from the Bengal Government.

In 1838 Rájá Purandar Singh, having fallen deeply into arrears with his tribute, declared himself unable to carry on the administration and in 1839 a proclamation was issued formally annexing that part of the country to Bengal and dividing it into two districts—Sibságar and Lakhimpur To the latter district two frontier tracts, Matak and Sadiyá, were added in 1842[1]

This country was then administered in the same way as Lower Assam, except that in Lakhimpur the panchayats were retained till 1860.

The fruits of Act II of 1835 were seen two years later in the issue of a set of rules sometimes alluded to as the Assam Code of 1837 They were made by the Commissioner and the Sadr Court and approved by Government. They referred to judicial administration and made no allusion to Revenue. The progress of the general law after this is clearly stated in the *Administration Report*, 1882–83 (paragraph 76 &c.). Here we are only concerned with the Land Revenue Law The first definite rules on revenue subjects were the *Settlement Rules* of 1870 which, however had not the force of law The Temporary Settlement Regulations (VII of 1822 and IX of 1833) of the time, were followed (in spirit) where required, to supplement the rules of 1870 In the same way the collection of the revenue and other revenue affairs, were long managed on the basis of custom and the spirit of the Regulations. The law (Act XI of 1859 and Bengal Act VII of 1868) of sale for arrears

[1] Matak is now part of the Dibrugarh division of the Lakhimpur district—see *Administration Report* 1882-83, § 75.

of revenue was regarded as so far in force that its general provisions were followed.

The Land Revenue Law and Procedure is now contained in Regulation (under 33 Vic. cap. 3) I of 1886 and rules made pursuant to it[1]

Thus, by Notification No 12 of 14th April, 1886 was extended, with effect from 1st July 1886 to

Sylhet.	Kámrúp.
Cachar (except the North Cachar Hill Subdivision).	Darrang.
	Nowgong.
	Sibsagar
Goálpára.	*Lakhimpur*

§ 3. *Early History—The Ahom State.*

The old Ahom (or Aham) Government, which preceded our own before the Burmese invasion was established about the beginning of the thirteenth century of our era[2] We find the State constituted by a Rájá at the head, and under him a hierarchy of nobles and officials bearing different titles (Phukán, Borwá, Bissoya, and many others). 'The Ruler says Mr Mills[3] would appear to claim not only the

The Regulation stands amended by Reg. II of 1889, which affects secs. 70, 72, 74 75, 79, 81 and 85. The alterations are chiefly directed to getting rid of certain legal difficulties about the sale (for arrears of revenue) of certain lands in Sylhet, where, owing to the multitude of small estates and shares in estates, it might be difficult to prove service of notice on the right person as really the owner or share-owner in default.

Report on the Province of Assam by A. J Moffat Mills. Calcutta (printed at the *Calcutta Gazette* Office), 1854, vol. fcap.

The Ahom rulers were of Shán origin; the first prince came as n adventurer from an ancient Shán kingdom on the valley of the Irrawady (Burma) in 1228, A.D. *The kingdom, beginning with a* petty territory at the extreme end of the valley was for some time confined to the n rth-east of Assam, but it gradually extended, over throwing the kingdom of the Chutiyás and part of the Koch Rájás. It maintained consider able stability for though attacked in after years by the Mughal power, the dynasty was able to withstand th shock. Probably the country was too remote for the Musalman power to have been really effectively exerted. In 1655 the reigning prince became converted to Hindú-ism, and his successors after that were all Hindú. From the end of the eighteenth century their power gradually declined. Feeble kings succeeded, and internecine quarrels and dissensions became the order of the day The aid of the Burmese was then unfortunately invoked, and eventually (as might have been expected) the Burmese seized the country and committed great ex cesses. As one of the papers in M Mills Report says, the country fell *int the hands of the Burmans,* and the people into twelve kinds of fire. The Burman invasion was, however a short lived calamity for they were driven out before the outbreak of the first Burmese war in 1824.

soil but the subject, as his property However this might have been theoretically the Rájá certainly levied a land revenue, and grants of land were made in a way which showed a practical power of dealing with it at pleasure. And also a curious system existed under which the whole of the male inhabitants were bound to give personal labour or the fruit of their industry by way of tax, to the king For this purpose the entire population was formed into groups, so that the labour and services of each might be regulated, as the king required it himself, or assigned it to his officers, relatives, and nobles. And when a grant of land was made to a temple or to priests, the labour of so many paiks (as the labourers were called) went with the land.

The groups spoken of were called khel —all, says Mills, of one caste or calling There would be 1000 to 5000 men in the 'khel. The khel was subdivided into gôt, each containing three paik or males available for service. Every twenty gôts had a headman called 'Bará over 100 gôts was a Saikyá, and over 1000 a Hazári. An officer of state called Phúkan (or a Barúá) presided over the whole. One paik in each gôt had to labour for the king or the king s grantee throughout the year and that whether he was a cultivator or a craftsman and so it came to pass that as special craftsmen were found in different groups, it became the practice to speak of the khel for firewood, or betel nuts, or fruits—meaning that there were certain groups in which the particular people whose duty it was to supply the different articles, were found. All kinds of industry were thus taxed—weaver s, goldsmith s and the rest.

Every 'paik was allowed for his support, a holding (called his bárí land) for a house and garden, besides two púrás[1] of rupit, i. e. land for rice-cultivation this was called his goámatti or body land. For this no revenue was paid beyond the service mentioned above, and a poll tax or house-tax as the case might be.

[1] The purá equalled three bighás or four bighás of the Bengal size (14,400 square yards).

The goámatti holding was said by Mills to be the property of the State and was neither heritable nor transferable Some indications however are given leading us strongly to suspect that in reality this absorption by the State of all rights in the land was the pretension of the Ahom ruler as a conqueror rather than the general custom of the country Certainly in districts not far removed it is clearly discernible that the land, as far at any rate as it was cultivated or appropriated by the first settlers was considered the joint property of the group or *khel* who occupied it. This system we shall describe further in considering the tenures of Cachar where it has survived to our own day That the settlers of the *khels* in that district, were proprietors (in *some* sense) will to Indian readers at any rate be rendered probable by the fact of their being called mirásdár —a name which, though obviously of foreign origin, expresses an essentially indigenous idea, and seems to have commended itself for adoption from one end of India to the other to indicate the hereditary right which the settlers or conquerors and first clearers and founders of the villages felt themselves and were felt by the people at large, to have, in the lands they occupied. I have not found any indication in the authorities, of this term or its equivalent, *now* surviving in the Assam districts as it does in Sylhet and Cachar but we are everywhere familiar with the destruction or loss of such ideas and terms, as the natural effect of conquest and a new system. Mr Mills it should be noted, admits that the homestead—the bárí land —was heritable and transferable

Land cultivated by agriculturists over and above the *bárí* and the *godmatti* was paid for at the rate of one rupee per púrá. Cold-weather cultivation (chiefly on lands available when the floods subsided) was principally carried on by emigrating ryots who paid a plough tax[1]

[1] To collect the land-revenue there were various agents— Ch ud hari, Kágoti, and Mauzadár : the latter name has survived t our own time. Thus, in looking over an old revenue list of Nowgong in 1830, I find the subdivisions named with so many circles of three, four or five villages i each. In charge of each circle with a cal

Besides receiving the grant of the labour of a certain number of paiks, the richer men possessed bodies of actual *slaves*. We find notes in Mill's *Report* of the chiefs who had khats or tracts of waste land of their own, reclaimed and cultivated by such slaves. They seem to have been well treated, as Mr Mills mentions the fact of raiyats actually preferring to enroll themselves as slaves and settle on such estates. By this course they avoided the poll tax and other incidents,—which must have been irksome enough,—of the (free) khelwári system.

On annexation the British Government gave up the claim to personal labour produce, and presents the garden and rice-land was left free, and a rate of nine rupees per gôt (or about three rupees per holding) levied. Annual Settlements for the land actually held were made. The rates have since been modified, but the custom of annual Settlements has come down to our own times,—indeed, it lasted till quite lately when ten year Settlements were also provided, as will presently be described.

SECTION II.—THE MODERN LAND-TENURES.

§ 1 *Enumeration of Tenures.*

The history which I have briefly sketched, does not suggest the growth of any special tenures, beyond those of the revenue-free grantees. Cultivators were simply the holders of their own clearing, and a raiyatwári tenure (as it would be called in revenue-language) was the natural result. But in certain districts there are proprietary tenures, where, under former arrangements, a permanent Settlement was made, or where the fee-simple of waste land was acquired by purchase under the earlier rules.

Under the Regulation I of 1886 we have therefore the following general classes to consider:—

that d res of say between 3000 and 4000 bighás and a population f 000 or 1500 there would be an official with the title of Hazári or Saikiyá, Bará, Rájá, Baruá, La bhar or Bhuiyá, and under each such superior officer one Cagotty and two Teeklahs.

I. Permanently settled estates (which however do not enter into our present consideration, as they occur in Goálpára and Sylhet, districts which are reserved for separate notice).

II. The common landholder's tenure under the Regulation.

III. Revenue-free holdings.

IV Proprietary holdings or other forms of tenure under Waste-Land Rules.

And to this we may perhaps add

V Rights under sec. 6 (*d*) of the Regulation, viz. rights acquired by any person as tenant under the Rent-Law for the time being in force.

§ 2 *The Landholder's Tenure.*

According to the Regulation, this tenure is acquired by any person who before the coming into force of the Regulation, has held immediately under the Government, for ten years continuously any land not included in a permanently settled or a revenue-free estate or who has during the period paid revenue to Government or been expressly exempted from payment.

The tenure includes the right acquired by grantees and lessees under waste land rules, supposing it is not an out-and-out purchase of the fee-simple, and provided the term of lease is not less than ten years. Reg. I 886 s. 4

Unauthorized occupation will not now give rise to any landholder's right, because all land not being already properly held is at the disposal of Government and the Chief Commissioner can make rules for grant or lease of such land, for allotting it as grazing-ground or for jum (temporary hill) cultivation[1] and if any person gets land not in one or other of the ways allowed by the rules, such taking possession will, in fact, be merely a trespass and will confer no right, however long it may continue

[1] This exactly answers to the taungya of Burma. It is fully described in the Chapter on Burma to which reference may be made. (See also Vol. I. p. 116.)

The landholder s right is a 'permanent, heritable, and transferable right of use and occupancy subject to payment of land revenue, cesses, and legal taxes to the reservation by Government of the right to minerals, mineral oil and mines, and buried treasure [1] as well as to any special conditions which the landholder undertakes in his engagement

s 9 or lease with Government [2]

Land may be relinquished (once for all—not temporarily as in Burma), and the landholder s right is lost unless, of course the same land happens to be available for a re-

s 10 application.

In some cases where there are special reasons for engaging for the revenue with some kind of agent, the person so engaged with may be the Settlement holder, when he is not the landholder As such, though the land is in a sense under his charge, and is not at the disposal of Government to lease or allot, he has no right in the land beyond what is expressed in his Settlement lease. This will effectually prevent the growth of *middlemen* into *proprietors.*

Following the result of these considerations, the ordinary raiyat, the lessee for more than ten years, and the modern waste land lessee, were appropriately called landholders

s 3 by the Regulation

A person who has a permanent-settlement, or a redeemed

1 revenue-grant of waste-land (p. 413), or is on the Register of revenue-free estates is a proprietor

The student will notice that Chapter II of the Regulation—relating to Rights over land —is almost exactly the same in principle (though the terms are more simple) as the Burma Land Act (II of 1876)

§ 3. *History of the Landholder s Tenure*

Originally the raiyat s tenure was always under an *annual* patta or lease and this theoretically gave no right beyond the year though in practice land continuously

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[2] Such land is also compensated for if taken up for public purposes.

held on annual pattas was transferable and heritable. In 18,0 the *Settlement Rules* for the first time proposed to recognize a tenure on a Settlement for ten years.

These rules, however remained practically inoperative till 1883, when they were recast and a general system of ten-years Settlements was introduced in all parts of the Assam Valley where the cultivation and occupation of land are of a permanent character the large tracts of land, however consisting chiefly of the chápuri" or inundated tracts along the rivers, and the thinly-peopled country under the hills where only shifting cultivation is practised, were left to the system of *annual* Settlements as the only one adapted to their peculiar circumstances

Under the Regulation, therefore the landholder s right is acquired in the more permanently cultivated tracts, and not in the places where, owing to the instability of the soil, or its being easily exhausted and frequently changed, or from some other local cause annual Settlements are still preferred[2] Where cultivation under annual lease becomes permanent, there will be every facility for its conversion into the landholder s tenure.

§ 4. *Chamuas and Khirájkhatdárs.*

These terms may be here explained, though they do not indicate what are properly separate tenures. The terms merely mean (Chamúa in Kamrúp and Nowgong Khi

Ad Report, 882 3, § 61. The holding of land on annual lease nly is still common, because so much f the cultivation is not permanent. In the *Administration Report* for 886–7 the latest figures I have) annual leases are stated t represent 409,699 acres against landholders tenure (with ten years settlement) of 1 080,3 5 acres, —excl ding land held on the nisf khiráj or half revenue rates tenure.

Much objection has been from time t time raised as to the fourth clause in the annual lease form, which (very properly) prevents the leaseholder from acquiring any heritable right (formally) in the land. But it is obvious that long as th land is so held, there must be a marked distinction between the tenure and that of the regular landholder In Government f India Rev Proc. F b. 887 No. 2, the whole history of the subject is given.

In annually-settled land, if the area is required for publi purposes, compensation would be paid for trees, houses, crops, &c., not for the land itself. Th *land* i at the disposal of Government, because no right beyond the year is acquired over it.

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rájkhatdár in Darrang and Lakhimpur) that certain raiyats having large and important holdings are allowed the privilege or dignity of paying their revenue direct to the treasury and not through a contractor or mauzadár as usual.

In such large holdings, the landholder usually cultivates by tenants who are metayers, giving half produce (ádhyár) or where cash rent is taken, paying only the Government rates (unless the land is specially valuable). When the Government assessment is the only rent paid, the landholder's profit consists in working his own home-farm lands and in the command of his tenant's services for supplies, carriage, and house-building and for repairing and harvesting crops on his home-farm and in such occasional contributions as he is able to levy[1].

§ 5. *Lákhiráj and Nisf-khiráj*.—*Revenue free Holdings.*

The student will observe that the *lákhirájdár* or entirely revenue-free holder is called the proprietor in the Regulation the definition does not extend to those assessed at half rates and called nisf khirájdár who are only landholders. The term nisf khirájdár was invented in 1871 by the Commissioner for the sake of distinction. I cannot give a better description of the nisf khiráj than by quoting the *Administration Report* for 1882-3 (§ 163) —

The history of the *nisf-khiráj* tenure in Assam is a curious example of the manner in which rights in land are sometimes allowed to grow up. Former rulers of the country had granted certain lands rent free for religious and other purposes (that is, had assigned to the persons or institutions the Government right to the revenue, then taken mostly in labour of these lands[2]). The last Ahom ruler however Chandrá Kantá Singh, imposed on these lands a tax called *kharikátána*, of six annas a *púra* (a measure of four *bighás*) which continued to be levied by the Burmese invaders after their conquest of the

[1] *Administration Report*, 1882-3, § 162.

It is stated that when the Ahom rule was in its palmy day such grants were moderate; but when in the seventeenth century the princes became Hindu, they gave out, with the pious zeal of new converts, large grants as Debottar and Brahmattar to the Brahmans.

country When Assam became British by conquest, all these grants were held to have lapsed but Mr Scott retained the moderate assessment which he found in force upon them, adding later on, two annas a *pura* so that the whole assessment came, as left by him, to eight annas a *pura*. In 1834 the Government directed that a full inquiry should be made into all claims to hold land rent free as *debottar dharmottar* or on any other plea, throughout the districts of Assam Captain Bogle was appointed to make this inquiry subject to the control and orders of the Commissioner Captain Jenkins. Another officer Captain Matthie, was also similarly employed. At the same time the following principles were laid down for the guidance of these officers —

(1) All rights to hold land free of assessment founded on grants by any former Government were to be considered as cancelled and it was pointed out that all claims for restoration to any such tenures could rest only on the indulgence of Government.

(2) All lands found to be held in excess of what was held and possessed on *bonâ fide* grants prior to the Burmese conquest, or for services still performed, as well as all lands held for services no longer performed, were to be assessed at full rates.

(3) All lands held on *bonâ fide* grants before the Burmese conquest, or for services still performed, were to be reported to Government on receipt of the report special orders would be issued on each case.

(4) Captain Jenkins might in his discretion, suspend the orders for bringing any particular land under full rates but he was to submit his reasons for the consideration of Government.

(5) Pending the *lakhiraj* inquiry Mr Scott's moderate rates were to be levied as before on all lands claimed as *lakhiraj* (whether as *debottar brahmottar dharmottar* or on whatever plea) until brought under assessment at full rates, or until orders to the contrary were received from Government.

The work commenced in 1834 was not concluded till 1860 and in the lapse of time these orders were altogether forgotten. Instead of referring to the cases which came before him for the orders of Government, General Jenkins dealt with them in a manner which was not authorized by his instructions.

He drew a distinction between *debottar* or temple lands, and other grants, such as *brahmottar* (personal grants to Brahmans for religious service) *dharmottar* (grants to religious communities other than temples, or for pious uses) &c. In the case of the first, when he found the grants to be *bonâ fide* and valid, he confirmed them as revenue-free, without, as he was ordered, referring the case to superior authority In all other cases of *bonâ fide* and valid grants, he simply confirmed the grantee in possession, and directed that, as ordered in his instructions, the land should be assessed as before, i. e. at Mr. Scott's favourable rates of 8 annas a *pûra* pending the final orders of Government on the whole question. Where the land held was not found to be held under a *bonâ fide* and valid grant, it was resumed and settled at full rates, which in those days were R. 1 a *pûra*. But no reference was ever made to Government on the conclusion of the proceedings and thus until 1861 when the revenue rates were raised throughout Assam, the second class of lands continued to be assessed at rates which, though this was not expressly intended, were as a matter of fact, half the rates prevailing for other lands.

The question what was to be done with these lands was not again stirred till 1872 when a long correspondence began, which was not finally closed till 1879. It was considered by the Government of India that, the grantees having so long been suffered to hold at half rates, it would not be judicious to make any alteration in their status and so General Jenkins' unauthorized action was condoned. These half rate holders were at that time called, equally with the revenue-free holders, *lakhirâjdârs* the term *nisf-lâkhirâjdâr* was adopted in 1871 as a more accurate description of their status as land holders liable to be assessed at only half the current rates of revenue whatever these may happen to be. A *nisf-lâkhirâjdâr* during the present Settlement, enjoys the further advantage of holding the waste lands of his estate, revenue-free. *Nisf lâkhirâj* estates generally throughout the Assam Valley have now been settled for a term of ten years, on the expiry of which a fresh Settlement is to be concluded, in which a light rate will be imposed on the waste lands, while the cultivated area will be assessed at half the current revenue-rates of the day

Three-fourths of the *nisf-lâkhirâj* estates are situated in the district of Kamrûp, and date from the last period of Ahom rule when the seat of Government had been transferred from

Carhgaon to Gauhâti, and the Ahom kings gave away lands wholesale with all the zeal of recent converts to Hinduism. The *lakhirdj* or *debottar* grants, on the other hand are usually of older date the most ancient being ascribed to kings Dharmapal and Vanamala, who are said to have reigned between 1100 and 1200 A. D.

These estates are, like the *chamuda* and *khiraj-khata* already mentioned, ordinarily cultivated by sub-tenants, who, when their superior landlord is (as is generally the case) a religious institution, are known as *paiks* or *bhagats* of the temple or *shattra* they usually pay only the Government rates as rent, but are in addition bound to do service for their superior landlord.

It is said that the nisf khiráj estate is the nearest thing in Assam to the temporarily-settled estate of Upper India it includes both cultivation and waste, pays a lump-revenue assessment and enjoys the privileges of a ten years Settlement, under which the *nisf-khirájdár* is at liberty to bring his waste into cultivation without any increase of assessment while the term endures [1]

§ 6 *Difficulties in compacting the Holdings.*

In the process of settling the claims to revenue-free holding which resulted in the nisf khiráj estates, the grantees were required to have the grants reasonably compact, and so to give up outlying plots and accept an equivalent of land in a suitable situation of which they would get half the revenue Since then a question has arisen as to exactly what the intention was, and what the legal consequences are, in making such exchanges. Two views were possible (1) It might be that no *land* was exchanged at all, the grantee simply submitted to full assessment on the detached blocks, and in return accepted 50 per cent. of the revenue on certain equivalent blocks contiguous to the main estate (2) or it might be, that he gave up *landed* interests in the detached block and accepted a grant of *land* elsewhere. Which view was true does not

[1] First Report, Land Records and Agricultural Department, 1883-84 § 14

23rd October 1854 commonly called "the old Assam Rules." Under these rules no grant was to be less than 500 acres in extent (afterwards reduced to 200 acres, or even 100 acres in special cases) One-fourth of the grant was exempted from assessment in perpetuity, and the remaining three-fourths were granted revenue-free for fifteen years, to be assessed thereafter at three annas an acre for ten years, and at six annas an acre for seventy four years more, making a whole term of ninety-nine years after which the grant was to be subject to re-survey and *Settlement* at such moderate assessment as might seem proper to the Government of the day the proprietary right remaining with the grantee s representatives under the conditions generally applicable to the owners of the estates not permanently-settled." One-eighth of the grant was to be cleared and rendered fit for cultivation in five years, one-fourth in ten years, one-half in twenty years, and three-fourths by the expiration of the thirtieth year; and the entire grant was declared to be liable to resumption in case of the non-fulfilment of these conditions. The grants were transferable, subject to registration of transfer in the Deputy Commissioner s office. These rules were extended to Sylhet and Cachar in 1856 and were in force till 1861 when they were superseded by rules for grants in fee-simple, which at the same time allowed holders of leasehold grants under the prior rules to redeem their revenue payments, on condition that the stipulated area had been duly cleared, at twenty years purchase of the revenue at the time payable. This permission is still in force, and has largely been taken advantage of 162 grants, with an area of 182,758 acres, have thus been redeemed, and 52 grants, with an area of 45 673 acres (most of which are in Cachar) remain upon the original terms.

III. To these succeeded a new policy that of disposing of land in fee-simple. The first fee-simple rules were those issued by Lord Canning in October 1861 the Secretary of State took objection to some of their provisions, and a fresh set of rules was issued on the 30th August, 1862 The rules issued by Lord Canning provided for the disposal of the land to the applicant at fixed rates, ranging from R. 2-8 to R. 5 the acre. The rules of August, 1862 provided that the lot should be put up to auction. Grants were to be limited, except under special circumstances, to an area of 3000 acres. In each case the grant was ordinarily to be compact, including no more

than one tract of land in a ring fence. The upset price was to be not less than R. 2-8 an acre and in exceptional localities it might be as high as R. 10 Provision was made for the survey of lands previous to sale and for the demarcation of proper boundaries where applicants for unsurveyed lands were, for special reasons, put in possession prior to survey and also for the protection of proprietary or occupancy rights in the lands applied for The purchase-money was to be paid either at once or by instalments. In the latter case, a portion of the purchase-money not less than 10 per cent. was to be paid at the time of sale, and the balance within ten years of that date, with interest at 10 per cent per annum on the portion remaining unpaid. Default of payment of interest or purchase-money rendered the grant liable to re-sale.

These rules were in force till August, 1872 when the Lieutenant-Governor of Bengal stopped further grants under them, pending revision of the rules.

IV Revised fee-simple rules were issued in February 1874 just before the constitution of the Province as a separate Administration, which raised the upset price of land sold to R. 8 per acre, and made more careful provision for accurate identification of the land, and for consideration of existing rights and claims, before its disposal. Those rules continued in force till April, 1876

There now exist in the Province 325 fee-simple grants (excluding redeemed leasehold grants already mention[illegible]) covering an area of 201 831 acres

V The existing special rules under which applications f[illegible] waste land for the cultivation of tea, coffee, or timb[illegible] are dealt with are those of April, 1876 The land is [illegible] for thirty years at progressive rates, and the lease is put [illegible] auction sale but only among applicants prior to its [illegible] ment in the *Gazette*, at an upset price of R. 1 per [illegible] the provisions of Act XXIII of 1863 The progr[illegible] are as follows —

For the first [illegible] years	[illegible]
next 4	3 [illegible]
4	6 [illegible]
[illegible]0	8 [illegible]
10 [illegible]	1 [illegible]

And these would be under the Regulation [illegible]

After the expiration of the term of lease, the land is to be assessed under the laws in force provided that no portion of the land shall at any time be assessed at a rate higher than that then payable on the most highly assessed lands in the district, cultivated with rice, pulses, or other ordinary agricultural produce." The grantee is required to pay the revenue punctually at the due date to devote the land only to the special crops for cultivating which it is granted to personally reside in the district, or have an agent residing there to erect and maintain in repair proper boundary-marks not voluntarily to alienate any portion *of the land unless the estate is transferred as a whole* and to give notice to the Deputy Commissioner of all such transfers. On breach of any of these conditions, the concession of the favourable rates of assessment on which the land is held is liable to be withdrawn, and the estate to be assessed at the ordinary district rates. There were altogether at the end of 1882–83 546 estates, covering 221 379 acres, held on this tenure in Assam[1]

'From the above summary it will be seen that from 1838 to 1861 the principle on which waste lands were granted for tea-cultivation was that they should be held on a leasehold tenure for long terms at low rates of assessment, the cultivation of the land being secured by stringent conditions as to clearance from 1861 to 1876 the policy was to alienate land free of revenue demand, and without any clearance conditions; while from 1876 to date the principle of leases has again been reverted to but this time without any special stipulations as to the area to be brought under cultivation within the term of

[1] Though this chapter relates to Assam proper it will be convenient to notice here a peculiarity in the Wast land grant of the Sylhet district. M ntion should here be made of a special tenure com pounded of the lease under the rules of April 1876, and the term on which ... land is held in the S lhet district, on which certain tea-planters have been allowed t held land fo tea in South Sylhet. When the ... re-settlement was in progress in this di trict, it was found that several planters had recently acquired considerable areas f wast land held under ... pattas. One of the rules f the ... settlement was that waste land within the boundaries of the pattas whi h xceeded the proportion of one-fifth f the cultivated area, should be cut ff and resumed by Government. But it was precisely in order t obtain this waste land that tea planters had acquired the ... pattas. A compromise was, therefore made in 1879; the land already under tea was assessed at R. 1-8 per acre; of the wast an area equal to one-fifth of the cul tivated area was allowed at eight annas an acre; and the rest wa permitted to be held on the t rms and t th rates specified in the wast land rules of 876. There re fifty nine uch estates i Sylhet with an area of 29,336 acres.

lease The total area held on these special terms for tea-cultivation in the Province is no less than 786 710 acres or 1229 square miles.

For the last two or three years there has been a contraction in the demand for waste land. This is due not only to depression in trade and low prospects of tea but also to the fact that many previous grants had not been fully cultivated, so that there was much room for extension without taking up more land.

The *Administration Report* for 1866–7[1] states that the total area (of the entire province) taken up for tea cultivation and purposes subsidiary thereto now measures 961 643 acres.

§ 8 *Tenants.*

In all parts of India where the custom of landholding has remained simple—an individual right to the occupant, family or individual—it is the natural consequence that there is, as a rule, little or no room for those—often burning—questions of tenant-right which arise when the proprietary right in estates has been granted to or recognized as belonging to some middleman whether a Zamíndár Taluqdár auction purchaser farmer or a proprietary body between the State and the actual cultivator

In Assam, however there are the permanently-settled districts in which the rights of the tenants may need protection by law and the attention of the Administration thus attracted, it is natural that notice should ... the larger estates of raiyats, and especially ... estates and revenue-free estates where tenants ... with reference to the relations of landl... generally

The argument is that it is best to take th...

General Summary § 6. From the *Agricultural and Land Records Report*, 684 5, which contain maps showing the different percentages of cultivation of different kinds, I find the percentage of cultivation generally to total area of each district was thus given—

Goálpára to 4 per cent.

Lakhimpur
Darrang
Nowgong
Sibsagar
Kámrup
The large ...
ther ...
Upper Assam

equitably to define relations before there is any embittered feeling between the two classes, and when the landlords themselves have had the advantage of a tenure recently secured by legislation [1]

At present inquiries are being pursued, but it is hardly too much to say that there is no general demand for a tenant law At one time it was a question whether Act X of 1859 the then Bengal tenant law was in force in the Assam Districts or any of them. Reference may be made on this subject to the *Indian Law Reports* Calcutta Series, Vol. IX (Full Bench), p. 330 where rent suits or disputes with tenants are treated as ordinary Civil litigation. The Act of 1859 was never in force except in Goálpára, which was at the time an integral portion of Bengal and subject to the ordinary or Regulation law

Section III.—The Land-Revenue Settlement

§ 1 *Classification of Land for Assessment Purposes.*

For the purposes of Settlement land in the Assam districts is naturally classified into (1) bastí or bárí land, the site for house and garden (this land is manured and often highly cultivated) (2) rúpit [2] or ordinary rice-land

[1] A writer in the *Pioneer* (of October 27th, 883) refers t the case of the nl f khiráj settlement al read referred to see p. 406 ant as cases where a tenant law may be needed. Here th object w to settle estates in compact areas, and so exchanges were ffected in some cases whereby a l t of land was *left out of the estate and another* lot—occup ed by raiyats—included. It was not intended of course t alter any one right; the free-tenure-holde would simply collect the revenue from the raiyat and retaining his own hare pay the rest int the treasury But t was found—and said to have been decided by the H gh Courts,—that the raiyat so ex hanged into the estat became a *tenant* liable t nhancement of rent! It hould be remembered that the lakhiráj and other such holders are men of a class privileged under the Ahom rule who hav not forgotten that in such estates the resident or paiks) w re l ound to give them a certain portion of lal our free; and although no u h thing wa recognized by the British law th tendency of the estate-holder t *imagine* hi *tenant* t be till a serf, was natural; and when free raiyat hitherto h lding nder Government f und himself become (by the ex hange pok n of) the t nant of such an estat he would naturally desire some legal protection against hancement and jectment.

[2] The name I by some d rived from ruiyad, t root up, or transplant because rice l ft is sown in nurseries and the seedlings transplanted (and th n called sáli

(3) faringati [1] which is a residuary class including tea land, as well as chápar (or char) alluvial islands and dry-crop land on high ground, fluctuating or temporary cultivation, or in short, *any land that is not* basti or rúpit.

§ 2 *Fluctuating Cultivation*

I may mention that the physical conditions of the Assam climate, the changeful nature of the river bed, and the habits of the people, all combine (in many places) to produce *a system of temporary or fluctuating cultivation.* *In that* case the land is held on annual lease.

To discourage the capricious relinquishment of land, the latest rules of Settlement require that if a man gives up a holding and takes it up again the following year he shall pay (for the year) 50 per cent. higher revenue. It is a common custom with the Káchári tribe (who are only found where land is abundantly available) to throw up the whole of their holding, and during the following year to take up again that portion which they find themselves in a position to cultivate. When a Káchári gives in a petition like this—resigning the entire holding, he has rarely the intention of giving it all up. He has perhaps lost some cattle or his family is reduced in number and he does not feel certain as to how much land he can cultivate. If he does not resign, he knows he will have to pay revenue whether he cultivates or not and to save himself the cost, he makes sure by resigning all—meaning at once to apply for part of the land again.

This practice is common for instance, in the Darrang District, where waste is abundant, and where (among the

But in Assamese rúa means transplanted, and this is the more probable origin. In the *Instructions to Mauzadars* of December 1884, it is noted that rúpit is confined to this kind of rice land but the *Settlement Rules* (28th October 1887 under the Regulation, now direct that rúpit is to mean any land growing *transplanted* rice—whether it is bao (deep-flooded) or any other—as distinguished from the land that bears rice sown *broadcast* (Ahu), which is of different character.

[1] I have adopted the ordinary official spelling—though it is difficult to account for the etymology of this term. I have not been able to trace either its origin or intrinsic meaning.

Káchárís) there is a brotherly feeling which prevents one man from applying for a resigned holding which he knows his friend has relinquished with the intention of taking it again after a time. But sometimes the frequent resignation of land does indicate that cultivation is fluctuating For example in some places, upland, out of the reach of flood, and covered with short grass, is selected (in the river belt before described). This land is soon exhausted—not being flooded, and is therefore soon abandoned.

In other parts there are lands that appear to require two years fallow after two or three years cultivation. In such a case the land is resigned, and if found available is taken up again. In Kámrúp I find notice of a third kind of fluctuating cultivation called *pám*'; it consists of clearings effected by burning the tall elephant grass, on low lying tracts that are wholly or partly submerged in the flood season [1] As these are at a distance from the permanent homesteads, winding paths are cut through the tall grass, and temporary huts (*pám basti*) are erected on the spot. Mustard chiefly is grown: the land gets exhausted after the third year and is exchanged for new Mr Darrah speaks of immense areas held on this form of tillage in Kámrúp, Nowgong and North Lakhimpur [2] Of course cultivation in general, undertaken on alluvial lands and *chars*, that are here one year and re-formed somewhere else the next, is essentially fluctuating this is very common in the valley

§ 3 *Early Form of Settlement.*

The earliest form of Settlement has now no interest. Up to 1836 nothing was done except to realize the revenue as levied under the Native rule, only without making the

[1] Such land are not necessarily in the river bed, but are mostly found near the river In the Bharpeti subdivision, such cultivation is to be seen almost up to the slope of the Bhután hills.

[2] See Report of Department Agriculture and Land Records for 1886-87, §§ 13-17

demand for personal labour and produce which was part of the old khelwári system of taxation.

In 1836–42 a system was attempted, but hardly put into real practice of making short Settlements for a circle of villages (called a *mauza*[1]) with a contractor or revenue-farmer called mauzadár

The system actually adopted in practice was (what it still remains in tracts where the population and style of cultivation would not be suited by a ten years Settlement) a system of annually measuring or verifying the raiyat's holding and charging his actual cultivation with certain fixed rates of revenue, according as it was 'bári, rúpit, or faringatí.

§ 4. *Present System.*

The present Settlement system may be described under two divisions—

(1) tracts where the cultivation is fluctuating, or if permanent, where the general condition is backward: there are *annual measurements*, supported by two simple records on which *pattas* or leases for the year or for periods under ten years, are issued

(2) tracts more advanced, where the cultivation, having gone on for some years continuously is presumably permanent, and ten years Settlements are in force under rules made in 1883.

As the introduction of a Cadastral Survey preceded by a notification under Section 18 of the Regulation, and the preparation of the (generally similar but more detailed) records of Settlement, is at present an exceptional proceeding it will be best to describe, first, the general method, and then add an account of the cadastral work.

There are no village-boundaries in Assam except in the Kámrup district and other places cadastrally surveyed, where the boundaries of villages are laid down and shown in the maps[2] But separate groups of land having local names exist.

[1] The student will not that the mauza of Assam has nothing to do with the mauza of Upper India.

[2] This is true of the whole province. In Sylhet and Cachar and probably in Assam in old days, the

§ 5. *The Assam 'Mauza'—Amalgamated Lands.*

For ordinary purposes, however the Assam 'mauza, and not the village is of importance

A considerable area of cultivated and waste land (which may contain several villages) aggregated for the purposes of record and revenue collection is indicated by the term 'mauza. The revenue charge of a mauza, and the responsibility for the whole revenue of it in the first instance—rests with a contractor called mauzadár But the mauzadárs are often poorly educated and inefficient, and a commencement has been made in the introduction of the tahsíl system, whereby a regularly graded and paid tahsíldár is or will be appointed to a local area, instead of the more expensive and less efficient mauzadár

Inside the mauza are a number of circles, and each circle has a mandal who does the measuring and recording he, in some respects, represents the patwári of other parts. The arrangements made for the control and supervision of these officers is mentioned afterwards.

The mauza may include more than one kind of estate, or tenure and as some of these lands are not within the scope of the mauzadár s revenue responsibility such lands are said in technical language not to be amalgamated with the mauza, though otherwise included in the area. Lands amalgamated are those raiyatwárí lands, whether held on annual or periodic lease, which are subject to the measurement and revenue collection of the mauzadár Lands in the mauza, which are not amalgamated, will consist of—the large tracts of unoccupied waste frequently to be found chamúa or other estates paying their revenue direct to the treasury nisf khiráj estates and revenue free estates[1] None of these appear in the mauzadár s books

Khel was the analogue of the village—being a group of lands taken up by an associated body of cultivators or settlers. A number of kh ls or mahál s were aggregated for Revenue purposes into mauzas or Parganas (or Zillas in Sylhet).

[1] Small nisf khiráj holdings of less than fifty bighás may however be amalgamated.

or records as far as measurements and revenue collecting responsibility are concerned.

§ 6 *Mauzadár's Registers.*

For all lands for which the mauzadár is responsible, he keeps two registers known as (1) dág-chiṭṭhá [1] and (2) jamabandí. The former shows the number borne by each field, its boundaries, measure of length and breadth, its area, class of soil, and the crop grown on it, as well as the name of the Settlement-holder. The second begins with the Settlement-holders, showing the fields each holds, the numbers which the fields bear in the dág-chiṭṭhá the area of each, and the class—whether bastí, rúpit, or faringatí, with the revenue assessed and the local rates. The jamabandí thus forms the revenue-roll of the *mauza*.

The *mandals* write up these records annually. A *mandal* numbers consecutively all the fields in his circle, because (as above remarked) village-boundaries do not exist. The numerical series may be disturbed from year to year by the relinquishment of old fields and taking up new ones and hence rules have been made to avoid the confusion that would ensue. Where there are permanent fields annual remeasurement is not needed the areas are simply copied from the last register to the new one, and the periodic leases are kept in a separate schedule but other lands have to be measured annually and these also are kept separate.

§ 7 *Method of Measurement and Assessment.*

Measurement is by a 90-feet chain or with a rod according to local usage. The bíghá of 14,400 square feet (1600 square yards) is adopted [2]. The area is calculated by multiplying the average length and breadth on the assumption (generally true) that the field is rectangular if it is irre-

[1] Dág is the name for a field; indicating a plot marked by a line cut in the jungle or otherwise. Waste unoccupied fields are spoken of as sarkári dág.

[2] Sometimes purá = four of such bíghás is spoken of. The bíghá is subdivided almost invariably into five kaṭhá (cottah); and the kaṭhá is divided into twenty lessa, one lessa being thus th hundredth part of the bíghá, i.e. 144 square feet.

gular the rectangle is calculated and corners separately calculated and added to get the total.

The fields being once classified, as the rates for rúpít, bastí, and faringatí are fixed[1] the assessment is a matter of arithmetical calculation. The whole process is gone through twice in the year the main Settlement being that which includes all the lands occupied when the financial year begins (1st April) and up to the filing of the papers in July and August while the supplementary Settlement, spoken of as *daryábádí* (cultivation of river lands), takes in the new lands broken up after the floods subside, or in the cold season, for mustard, pulse, and other cold-season crops.

§ 8 *Additional Registers.*

In order that the mauzadár may be aware of the state of *all* lands in his mauza, whether 'amalgamated or not, his jamabandí now has parts which show the estates and their revenue paying direct to the treasury the nisf khiráj holdings, and waste land grants. The particulars are furnished from the Deputy Commissioner's office.

The mauzadár keeps up certain other forms which may here be briefly alluded to they are :—

(Form C.) A register of revenue-free lands including modern grants of waste revenue-free; old revenue-free grants and reserved or State forest lands.

(Form D) A general abstract Statement of all lands in the mauza including unappropriated land available for appropriation.

(Form E.) An annual statement of lands relinquished.

(Form F) is a financial form and shows the revenue demand of the year on each class of soil, with the area. It consists of a separate table for each kind of estate —

[1] Bastí and garden land growing fruit trees, betel palm, and vegetables, pay—1 R. per bighá. Rúpít (rice land) 10 as. ,, Faringatí 8 as. ,, But no assessment can be less than eight annas. Fractions are disregarded if less than half an anna, and if half or more, the whole anna is counted. Where the revenue of a holding is R. 100 or more, any fraction of a rupee less than eight annas is dropped and if more is counted as a whole rupee (Rules 30 34).

Annual Settlements under the mauzadár
Decennial Do. do.
Nisf Khirdj estates and any special tenures.
Revenue paying estates (chamuás, &c.) not paying through the mauzadár
Revenue-free and forests.

§ 9 *Cadastrally-surveyed Tracts.*

It may be stated at once, that these tracts differ chiefly in the fact that there are *maps* showing village-boundaries and fields and that the dágchitthá or field register is replaced by a form somewhat more complete but still called by the same name. It corresponds to the *khasra* of other provinces, and indeed is so called by foreign amíns employed in the survey[1] The Jamabandí is also more detailed.

The cadastral survey has been completed in the Kámrup Darrang and Nowgong districts, where there is the largest percentage of cultivation at the time I am writing, Sibságar is approaching completion.

But under modern methods of procedure, it is recognized as of little use to make a complete survey if the work is not thereafter maintained correct, changes being noted on the

[1] As a sample of the useful form adopted, I may give th columns of the dág-chitthá: Nature of tenure in column 3 means a classification, thus —

1. Khirdj (Revenue paying) on annual, ten year or five year lease.
2. Nisf-khirdj (half Revenue) and ten-year lease land also.
3. Lakhirdj (Revenue-free) waste land, fee simple grants or Brahmottar, i.e. native revenue-free grants.
4. Waste land grants under later rules.

Field number.	Holder's name and description.	Nature of tenure	Area.		Unculturable.				Culturable waste.	Cultivated.						Remarks.
			Acres.	Dighás.	Roads, embankments, &c.	Permanent [illegible]	Waste.	Total.		Basti.	Rúpit.	Faringati.	Total.	New old, or [illegible]	Crop.	

maps and brought to book as the case may be, so that the work may not be lost or have to be done over again.

The orders for maintaining the work were contained in Circular No 31 dated 28th June 1887, which has been replaced by orders issued in the summer of 1889 These I have not been able to procure.

§ 10. *The Cadastral Survey System.*

For the purposes of the survey it is, of course, necessary that boundaries should be fixed, and the marks preserved when they are fixed [1]

of secs. The Regulation gives power to the survey officer to require information and assistance and that marks should be erected or repaired as the case may be.

If a dispute occurs, the survey officer will inform the
3. Settlement Officer who is empowered to settle the matter

The details of the process of survey would be foreign to my purpose but I may mention that every field within the village-boundaries as laid down, received a separate number and so every road, *bil* (a swampy place or deserted channel) river public land, culturable and un culturable waste plot. The occupied land was divided into fields as many of the old (separately numbered) *dágs* of the mauza as belonged to the same raiyat, were contiguous and of the same class, were made into one field or survey number But if the area exceeded five acres, and was held partly or wholly by the landholder s tenants, then each tenant s holding was surveyed and numbered as a separate field. This plan of following the *tenant's* holdings was adopted in revenue-free, chamuá and nisf khiráj estates (where tenants are usual) Lands that had been relinquished, and new fields formed, were always made

[1] I find many of the reports speak of prism-planting, which means that the demarcation is done by triangular prisms of stone (3 × 1′ × 1′) made f Chunár stone brought from Calcutta. These are sunk in the ground, making excellent marks which indicate the junction of three villages. T indicate theodolite stations it has been found useful to plant branches of the semal (*Bombax malabaricum*) which take root easily They are planted exactly five feet to the north (magnetic) of a wooden peg driven into the ground. In other places earthen mounds (*ail*) are employed.

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§ 11 *Classification and Assessment*

Both processes are extremely simple, being just the same as under the annual Settlements. Land is classified as already stated, and the assessment rates are fixed (vide Sec. III, § 1 and § 7 *note*, ante) Rules 3 34

The rates it should be remembered, do not apply to land which has an exceptional value, being within five miles of the boundary of any military cantonment or civil station. The Chief Commissioner will determine special rates for such land. Rule 3

With a view to the encouragement of cultivation, the Deputy Commissioner with the sanction of the Commissioner may exempt land taken on periodic leases from the assessment for three years. A further extension of the period of exemption requires the sanction of the Chief Commissioner Rule 3

For nisf khiráj lands there are special rules [1] They are settled ordinarily for ten years. If less than fifty bíghás in extent, the land may be amalgamated with the mauza and the survey and measurement are done by the mauzadár or the tahsíldár If larger a Government survey party makes the measurement previous to resettlement, and prepares a map on the scale of sixteen inches to a mile. A separate chiṭṭhá and a jamabandí are prepared for each larger estate. The rate of assessment per bíghá on cultivated *nisf-khiráj* land is half the rate specified in Rule 32 But waste land and land not under cultivation for three years prior to new settlement, is assessed at 1 *anna* 3 *pie* per bíghá. A separate report of the Settlement of each larger estate is submitted. The report contains the particulars specified in Rule 67 and a lease is given for each estate. Rules 59 64 Rule 6

[1] The Rules are those under the Regulation.

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Both processes are extremely simple, being just the same as under the annual Settlements. Land is classified as already stated, and the assessment rates are fixed (vide Sec. III, § 1 and § 7 *note* ante) Rule 3 3

The rates, it should be remembered, do not apply to land which has an exceptional value, being within five miles of the boundary of any military cantonment or civil station. The Chief Commissioner will determine special rates for such land. Rule

With a view to the encouragement of cultivation, the Deputy Commissioner with the sanction of the Commissioner may exempt land taken on periodic leases from the assessment for three years. A further extension of the period of exemption requires the sanction of the Chief Commissioner Rule

For nisf khiráj lands there are special rules[1] They are settled ordinarily for ten years. If less than fifty bíghás in extent, the land may be amalgamated with the mauza and the survey and measurement are done by the mauzadár or the tahsíldár If larger a Government survey party makes the measurement previous to resettlement, and prepares a map on the scale of sixteen inches to a mile. A separate chitthá and a jamabandí are prepared for each larger estate. The rate of assessment per bíghá on cultivated *nisf-khiráj* land is half the rate specified in Rule 32 But waste land and land not under cultivation for three years prior to new settlement, is assessed at 1 *anna* 3 *pie* per bíghá. A separate report of the Settlement of each larger estate is submitted. The report contains the particulars specified in Rule 67 and a lease is given for each estate Rule 59 6 Rule

The Rules are those under the Regulation.

§ 12. *Procedure in applying for Waste Land.*

I have already spoken of the tenure of existing grants of waste land; but in a country where the best cultivated district has only 25 per cent. of the whole area under cultivation, it follows that procedure for taking up of new land for cultivation is a matter of importance.

The rules contemplate waste being devoted to (1) special cultivation, (2) ordinary cultivation. Special cultivation is tea, coffee, cinchona, timber or other produce other than the ordinary agricultural staples of the Province, and which requires a considerable expenditure of capital.

When waste land is of such character or in such a position that it is not likely to be taken up for ordinary staples, it may be applied for for special cultivation, provided that it does not bear valuable timber, nor is known or supposed to contain valuable minerals, nor is wanted for grazing or fuel supply nor is subject to special privileges of neighbouring villages, nor to claims by wild tribes. It should be noted that no fee simple land is now granted. The essence of the transaction is a *lease*, which after due observance for a term of years, ripens into the ordinary landholder's tenure under the Regulation. The chief features of the procedure are the written application giving particulars the limit of 600 acres, except under special sanction the necessity of satisfying the Deputy Commissioner that if the applicant already holds a grant or lease, he really intends to cultivate or plant the area applied for [1]; the deposit of a sum to cover cost of survey a survey and demarcation—a map being made (sixteen inches to a mile) the issue of a notice of sale; the valuation of timber on the grant and the execution of a lease and counterpart. When the preliminaries are all gone through, and no objection is found

[1] Great trouble has been experienced in many parts, by the habit f allowing land to be taken up by grantees who have no use for it, and who merely let it lie, and at some future time try to make profit out of it when land is in more demand, and sells at a higher price. During a course of years the boundaries have become uncertain, or squatters may have long occupied certain plots, giving rise to disputes and even litigation.

to the grant (under Act XXIII of 1863 or otherwise), a deposit of purchase money to the full amount of the upset price has to be made, and the balance (if the land fetches more at sale) must be paid up in a month, the penalty being the cancelment of sale and loss of the deposit as well as the survey deposit. Rules 8 20, 21

The rules must be consulted for further particulars as to the block being compact public roads being reserved with a strip on each side and so forth.

Under a lease bought at auction in this manner rights to minerals and certain other rights are reserved to the State, and the land revenue assessment is remitted for two years after which it is levied at—

3 as. per acre for	4 years.
6 as. ditto	4
8 as. ditto	10
1 Re. ditt	10 "

and after that the land is liable to ordinary rates. The lessee becomes a landholder with the usual permanent, heritable, and transferable right.

Waste land suitable for (2) *ordinary* cultivation *may* be utilized, of course, for special cultivation or building, as well, —but on the ordinary terms.

Here the land will be classified as *basti, rupit* or *faringati* in the usual way

It is taken up on periodic lease ordinarily not exceeding ten years or twenty years by special sanction of the Chief Commissioner[1]

An application may be made stating whether the land is required on annual or periodic lease. If the application exceeds fifty bighás, it must be to the Deputy Commissioner or the sub-Divisional Officer and there must be a survey and a map and a special Report. Rules 42, 43.

§ 13 Resignation

Any Settlement-holder may give up the whole or part of his land, on tender of resignation on or before the 31st

[1] Periodic leases re not issued, —on taking up faringati in ordinary cultivation; when a person is discovered in possession without a lease or for land within certain distances of public roads.

2. December in each year The Settlement officer may refuse an application. There is nothing to prevent a holder resigning land one year and then applying for it again;
6. except that already alluded to viz. that if the person applies after having resigned the previous year he will only get an annual lease, and he will be liable to be assessed at 50 per cent. above the ordinary rates for that year after which subsequent re-Settlements will be at standard rates.

§ 14. *Re-Settlement.*

As no Settlement (except on auction lease of waste land for special cultivation) is ordinarily for more than ten years, and a number are on periodic leases for less than ten years, and a large number on annual leases, it follows that re-Settlement is always going on.

Re-Settlement is accompanied by a re-measurement[1] and preparation of the *dág-chittha* and *jamabandi* as already explained except where there has been a regular or a cadastral survey which is intended to be made once for all.

Regu- If there is a landholder in possession, he is entitled to
l of the re-Settlement if not, the lessee is ordinarily entitled to
sec. preference but has no legal claim to a re-Settlement. If no
d 47 one is found in possession immediately under Government, the Settlement may be offered to the actual cultivator

But to prevent doubt, it is a rule that no one is entitled to a re-Settlement, unless his name is on the District General Register of revenue paying estates, as Settlement-holder of the land

If the person entitled and offered, declines to accept a re-Settlement, there is a procedure for which the Rules may
51 be referred to.

[1] By the mauzadár and mandal in ordinary cases, unless it be known that there has been no material change. But in holdings exceeding fifty bighás a professional surveyor is employed (Rule 50), and in such cases a special Settlement report is submitted under Rule 43.

In the case of planters grants there has been correspondence about the acceptance of private survey made by the grantees, for Settlement purposes. I do not propose to go into the detail, but reference may be made, for the terms agreed to by the Chief Commissioner t letter No. 4143, dated 22nd November 1886.

§ 15 *Record of Rights.*

Allusion has already been made to the ample records made by the *mau-addrs* and those prepared by the Settlement officer in a more detailed form in cadastrally-surveyed tracts. From their form and contents it will be seen that they furnish the *data* required regarding the land and also sufficiently secure the rights of the different classes interested in the land. The legal basis on which they rest is to be found in the Regulation and it is only necessary further to mention that the entries are made on the usual basis of possession, as admitted or as decided on inquiry by the Settlement officer and that any dispute as to right is referred to the Civil Court. Reg I 1886, 40-42.

In the case of *tenants* the Settlement officer is exceptionally given power to decide their position or class under any Rent Law for the time being in force, as also the amount of *rent* payable and subject to the appeal contemplated by the Regulation, the Settlement officer's decision is final. Sec 15

The Record of Rights is legally presumed to be correct till the contrary is shown.

Rule 52. December in each year The Settlement officer may refuse an application. There is nothing to prevent a holder resigning land one year and then applying for it again
Rule 46. except that already alluded to, viz. that if the person applies after having resigned the previous year he will only get an annual lease, and he will be liable to be assessed at 50 per cent. above the ordinary rates for that year after which subsequent re-Settlements will be at standard rates.

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See Regulation I of 1886, sec. 82, and Rule 47. If there is a landholder in possession, he is entitled to the re-Settlement if not, the lessee is ordinarily entitled to preference, but has no legal claim to a re-Settlement. If no one is found in possession immediately under Government, the Settlement may be offered to the actual cultivator

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In the course of time, and as the result of reprisals made by the Chaudharis on the Gáros after their raids the Zamíndáris (estates of the Chaudharis) had been extended into the outer hills and the outer villages had been subjected to tribute, while the inner Gáros were independent.

In 1816 attention was specially called to this state of things and it was proposed to put the tract under a special law removing it from the general Regulations this was done by Regulation X of 1822

The Zamíndárs were compensated for loss of tribute and for the lands held in the hills, and the Gáro hills were separated completely

We are here concerned with the plains portion of Goálpára.

The Zamíndárí estates, which came under the decennial Settlement, made permanent by the proclamation of 1793 were the lands comprised in the thánas of Dhubrí and Goálpára on the north, and the wilder and more hilly thána of Karáibári on the west of the hills. In 1788 cash rates had been substituted for the mál hitherto paid in kind.

Twelve estates of Chaudharis were recognized as Zamíndáris, and almost nominal rates were accepted as the permanent revenue at the Settlement[1] Seven other estates, claimed as revenue free were found doubtful or invalid as to title, but were afterwards admitted to a permanent Settlement. Thus old Goálpára consists of nineteen estates permanently settled, to which must be added a few holdings temporarily settled.

In 1866 the Eastern Dwárs, between the northern estates just mentioned and the Bhutan hills were annexed. The Dwárs are five in number named Guma, Rípuá, Chirang Sidlí, and Bijní. In the two last, Rájás possess rights as Zamíndárs, though at present the estates are held direct (or khás), owing to the refusal of the Rájás to engage for the revenue. In the others the Settlement is raiyatwárí as

[1] It is in fact doubtful whether this assessment was ever formally accepted as the permanent revenue; but these estates have uniformly been treated as covered by the permanent Settlement of Bengal (*Administration Report*, § 77).

in Assam Proper only that there assessment rates are lower the cultivation being extremely fluctuating in character

§ 2 *The Law and Administration*

As regards the administration and law of Goálpára, it should be noted that when Assam was annexed in 1826 the nineteen estates and the few holdings just alluded to were placed under the Commissioner of Assam. After the Dwárs were annexed, the district so extended was (in 1867) placed under the then newly formed Bengal Division of Kuch Bihár. When the Regulation X of 1822 was replaced by Act XXII of 1869 and Act XVI of 1869 was passed for the regulation of the Dwárs, certain changes were made in the jurisdiction as regards Civil and Criminal Courts but the general control remained under the (Bengal) Kúch Bihár Division till 1874, when the province of Assam was formed, in its present shape.

As regards the law in force, Act XXII of 1869 was repealed when the Scheduled Districts Act of 1874 came into force and the general laws in force are regulated under that Act, and under the Local Laws Extent Act (XV) of the same year Act XVI of 1869 still applies to the Eastern Dwárs. None of the Regulations of the Bengal Code are in force. The Revenue Law is Regulation I of 1886 The old Bengal Rent Law Act X of 1859 has been decided to be in force in Goálpára but not in the rest of Assam[1]

§ 3 *Land Tenure of Goálpára.*

There is little that calls for special notice under this head. In the raiyatwárí portions the tenure is as in Assam. In the Zamíndárí estates, the Zamíndárs copy the Assam system as regards their tenants, except that they measure the occupied land more rarely and the tenant reaps the benefit of his extension of cultivation meanwhile. Waste land is abundant, and is assessed at uniform rates a little lower than those of Assam.

[1] See Full Bench decision reported in *Indian Law Reports*, Calcutta Series, vol. ix, p. 330.

Section II.—Cachar.

§ 1 *Origin and Constitution of the District.*

The district is part of the old Káchárí kingdom, various monuments of which may still be seen at the ruined capital at Dhimapur on the Dhansir River beyond the Káchár Hills. This capital was deserted in the first half of the eighteenth century for another place in the plains and the Rájá became a Hindu, and of course a Rájput with a genealogy from some hero of the Mahábhárata. In the early part of the present century the Government had fallen into decline the Burmese, who by that time were in Assam, and had overrun Manipur threatened Cachar but the British power came to the rescue, drove out the Burmese (just before the first Burmese war of 1824) and restored the Rájá who agreed to pay a moderate tribute. He was, however assassinated in 1830 and leaving no heir of any kind, the district lapsed to the British Government as suzerain. It was annexed by proclamation on the 14th of August, 1832[1]

An Act, No. VI of 1835 was passed for to provide for the administration of the District, just as Act II of 1835 was for Assam Proper But no rules were ever drawn up A Superintendent was appointed, with instructions to follow the spirit of the Regulations in his management[2]

At the present day the ordinary Civil and Criminal laws are in force as much as in the other regular districts of Assam. But a part of the district is managed on a separate system. This consists of the Káchar Hills to the north of the district, and naturally separated by the lofty Barail Range. Mention of these hills and their management is more conveniently made in the section on the Assam Range of Hills The hills to the south of the district (where there is a large area of State forest) are separated from the plains district by

[1] Vide *Settlement Report and Errata.*

[2] The Superintendent was at first under the Commissioner of Assam, but was afterwards placed under the supervision of the Commissioner of Dacca.

an inner line under Regulation V of 1873 There are certain peculiarities in the revenue system of Cachar

§ 2. *Land Tenures.*

The tenure of land, where it is not on the special terms of a *modern* or *recent* Waste land grant, is called by the same name as in Sylhet, viz. mirásdárí and here it exhibits a feature which the reader will remember to have met with in other parts of India. This feature which survives only in Cachar was probably common, in ancient times, throughout Assam. I refer to bodies of cultivators—of the same or different castes, going to a jungle country and founding villages on some form of joint-tenure the whole being together liable for the revenue due to the Government.

In Cachar such bodies were often mere associations or partnerships —sometimes Muhammadans, Hindus, and Hill men, together people, in short, with no other tie than this, that they joined in cultivating one place and that they held under one lease. Such joint bodies exist both in old settled *mahâls* and in *old* grants known as jangalbúrí given out to encourage reclamation of waste on progressive assessments.

The Revenue-Settlement is temporary—the last (concluded in 1882 3) is for fifteen years. The land-groups are still jointly responsible to Government for their revenue[1]

Cultivation in Cachar is carried on under some difficulties. The district is abundantly watered by th Surma or Barák river and its affluents. Winding about in all *directions*, the stream affords water carriage from all parts. There are low ranges of hills here and there, and occasional sandy tîlâ or hillocks. These hills are either forest clad or have been made into tea-gardens. The district is surrounded by hills; on the north by the great Barâil Range, on the east by the Manipur hills, and on the south by the Lushai country It is free from the lasting and deep inundations that affect Sylhet. On the other hand, temporary floods are injurious. The difficulty writes the Settlement officer is, that the (*rice*) crops cannot be sown when the fields are under water, or when sown they are destroyed by excess of water (in the rainy season); while in Sylhet, the (rice) crops sown before the rains set in, grow as the water rises, and stand above the water as long as the inundation lasts.

Tea-gardens form an important item as we find that out of 3,3 5

It is interesting to note that though these settlers would certainly be regarded as owners in some sense the Káchárí Rájás assumed that the right of property in the soil existed in the ruler alone (*Settlement Report* 1884, § 13). But the holdings even then were heritable, and transfer was practised on sufferance.' The revenue was *at first* paid by labour and giving produce as under the Ahom rulers in Assam proper

§ 3. *The Right in Land.*

The joint-system, however deserves a little more detailed notice. In a jungle-covered country it was but natural that the settlers should have formed companies for mutual society help, and protection. The individual settlers were called *mirásdár* the universal name for a colonist or conqueror who clears the land and first settles, thereby (in the popular feeling) acquiring a strong right, heritable at any rate, and permanent, to his cultivation. It is to be remembered, however that the Káchárí ruler's right was that of a conqueror and that wherever the mirásdárs settled, they did so on the understanding that their rights were no greater than what the ruler recognized indeed, the right acquired in former days can have been but limited, for in 1881 the Chief Commissioner wrote —

> The tenure (of the mirásdárs) is not of great antiquity but has grown up under our régime, almost the whole district having been uncultivated when we took possession of it in 1830. Rightly or wrongly it has been consistently held from the first, that they had no rights except such as Government, the sole landlord chose to confer on its lessees, or such as it allowed to grow up and neither explicitly nor implicitly has any sanction been given to the notion that they could hold the land on any other terms except those of paying the revenue which Government may choose to demand.

The right in land, when it does not depend on the ex

permanently cultivated acres 147,000 are rice and nearly 49,000 tea in round numbers); sugar-cane cotton, and hillies are sparingly grown, and mustard during the cold season.

press terms of a lease or grant, is now defined and governed by Regulation I of 1886

§ 5. *The Khel*

The mirásdár companies were called khel[1] In the khel each mirásdár got as much land as he could cultivate. In every khel the leading men got various titles, and were rewarded with certain revenue-free holdings thus the chaudharí or head of the khel got two hals[2] of land free, the mazúmdar (or majúmdar a corruption of majmú adár) 1½ the lashkar 1¼, the barábhúiyá, and a májhar bhúiyá six khiyárs.

The free holdings were afterwards abolished, and the titles became a source of revenue as they were sold,—a chaudharí's title fetching R.100 and so on.

Each khel had an agent or representative (mukhtár). A number of khels formed a Ráij or Rájya[3] and the Ráij had also its representative at court, called Ráijmukhtár

The khels were held jointly responsible for the revenue of every holding in their local limits if a mirásdár failed to pay the other members paid up and took his holding if the khel failed to pay the whole larger group or Ráij became responsible, and took the land of the defaulting khel. No outsiders were admitted.

Under the system of the Kácharí Rájás, just as in Assam proper under the Ahom rulers, the settlers had to supply service to the Rájá the inhabitants of a certain place had to supply betel-nuts, others firewood, and so on; and the group that supplied the particular article was also designated khel.

In the same way the revenue receipts of the district were apportioned among the different members of the royal family and the group of holdings the revenue of which was assigned was also called khel thus there were the khel

[1] Which I suppose to be the Perso-Arabic term khel—a company or tribe—a term introduced as it has been elsewhere.

[2] The local Kácharí land measure or hal is equal to 4.8 British acres the khiyár is a-5ths of an acre.

[3] The term Ráij is still a common Assamese name for any body of raiyats gathered for a common purpose.

má or barí khel, the entire revenue of which went to the Rájá the Mahárání's khel, one-fourth of which went to the Rájá's chief wife, and three-fourths to the Rájá the shang járái, or younger brother s khel, and so on. If the revenues of a tract were devoted to religious purposes, that was again khel thus there were the Bhiangsa khel devoted to the support of the worship of Káli the Bishnughar khel, to that of Lakshmí Narayan. These lands are still known, and now form mauzas[1]

§ 4. *The Land Revenue Settlement*

Passing over the earlier revenue arrangements, the first important step was the survey of the district made under Lieutenant Thuillier in 1841 The survey only extended to the cultivated fields and so much of the waste as seemed likely to be cultivated was surveyed and divided into numbered *dágs* or plots, the intention being that as cultivation extended, these plots should afford the means of determining its site and serve as a basis for a detailed map. But the plan led to some confusion when the jungle dágs began to be taken up and cultivated.

A Settlement was made in 1843 44 on the basis of this survey It was followed by a Settlement in 1859 for twenty years. On the expiry of this in 1879, the Settlement completed in 1883 was made. The (cultivated) land was divided into two classes called "awwal" and "duam" (first and second) respectively and within these classes it was rated according to situation, distance from navigable rivers and exposure to the ravages of wild beasts, in four grades. The rates imposed *per* hal (or kulba)[2] were —

	Awwal.	Duam.
1st grade	3 8 per hal.	3-0 per hal.
2nd "	3-0	2-8
3rd	2-8	2-0
4th	0	8

[1] McWilliam's Report, §§ 33, 34.

[2] The hal = 4·82 acres. For the principle adopted in the survey which was professional, aided by amins under Deputy Collector for interior details, see *Administration Report*, 1882-83, paragraph 183.

This Settlement applied to the ordinary district cultivated lands, as well as to certain reclamation leases given in former days the latest of which terminated in 1879 (*Settlement Report* § 22). There is a large area (technically the jangal buri mahâls) held on leases under the waste land rules of 1864 and 1875-6 the thirty years terms of which have not expired, and which are not yet liable to Settlement. So also there were some grants made for ninety-nine years under the oldest of the waste land rules and some fee-simple estates either commuted under the old system or bought as such when the rules allowed it. These are, of course not included in the Settlement.

§ 5. *Revenue System and Procedure.*

The remarkable feature about the Cachar revenue is, as above noted, the survival of the joint responsibility The old khel groups have, in the course of years, naturally been much altered by resignations of holdings, by additions, and so forth; but in some long-settled tracts the old khel group is still recognized. The land being held under the Assam principle of raiyati holdings under a patta issued by Government, in Cachar each mahâl is held under one pattá. The mahâl is thus a tract held by a body of persons who are joint in interest, and this joint interest arises out of the old khel grouping But the khel organization has been otherwise lost, since there is no system of mukhtárs and representatives of the community with the authorities, as in old days. The number of co-sharers and signatories is often as large as eighty or a hundred. All the sharers or mirásdárs are jointly liable for the revenue of the mahâl specified in the patta. The sharers in the mahâl are at present left entirely to themselves as to the apportionment of the revenue responsibility over individual holdings, but in the present Settlement a record-of rights has been made[1]

[1] As everywhere else the joint responsibility is disintegrating, by the effect of partitions which convert the holdings into severalties. Perfect partition is not yet recognized, i.e. the power of partition which not only enables the holdings to be separately defined and enjoyed, but also the joint liability to be dissolved. Where, however the

A discussion of the difficulties which arose in doing this will be found in the *Settlement Report* §§ 57 58 and also § 93. A complete register was not attempted but in the field lists or Chiṭṭhá mention was made of every field and its subdivision by means of letters, and the name of every occupant is shown.

The person settled with has the landholder s right and a right to a re-settlement at the close of the term.

§ 8 *The Custom of Ghasáwat*

A good deal of discussion has taken place about the custom called ghasáwat. The practice under the old Káchárí Ráj I have already described if a man failed to pay the revenue due on his holding, the other sharers in the khel took up the land absolutely This rule was early modified (in 1833) and it was held that, on default, the estate might be given to any one, but that two years grace should be allowed, during which the mirásdár might obtain re-entry on paying up the revenue. But this was found not to work, and the ghasáwatdár (as the temporary holder was termed) was again declared irremovable. In 1857 the question was again raised, and a long correspondence ensued. It was ultimately decided that on an estate falling into arrear and an offer being made under the ghasáwat rule, the land should be put up to auction[1] and the title become absolute.

§ 9 *Pre-emption.*

As there is joint responsibility the right of pre-emption has been held to exist both among Hindus and Musalmans. In fact, pre-emption in this case is not a peculiar right

revenue is slight, the joint responsibility is very shadowy thing as it is so rarely enforced.

I may note that this Settlement first introduced the very obvious rule (universally adopted elsewhere), viz. that when the assessment was mad and a patta issued t the person who was to hold the Settlement, th holder was not bound t ttend and sign an acceptance or kabul yat. The old rule was that if he did not, his name was struck out of the list f patta-holders. Now t has been determined, on the contrary that his acceptance will be presumed unless he attends and formally refuses S. R. § 77)

[1] Despatch of Secretary of State No. 30, dated 22nd January 1860. Bengal Government, to Board f Revenue, No. 4 38, dated 22nd August, 1860.

derived from Muhammadan law but is a purely customary or natural right, which exists in all joint communities —in Upper India for example and is important to the joint body as enabling it to keep together and resist the breaking up which would result from the intrusion of strangers.

§ 9 *Revenue-free Grants.*

There are a number of revenue-free grants dating from the time of the native Rájás of Káchár who made them for reward of service and for religious uses. They are locally called bakhshá lands. They are inalienable, so that if the grantee transfers, the grant is resumed and the land is liable to assessment.

§ 10 *Revenue Collection and Law*

In Cachar the Bengal Sale laws were never in force The revenue collection of Cachar is not quite on the same plan—though under the same general law—as other parts of Assam.

The Cachar Tahsil Rules [1] in principle resemble those of the Jaintyá and Partábgarh tahsils of Sylhet. The revenue-payer has to take his money with a chálán or invoice to the tahsil, at which sit a number of muharrirs (or clerks) over each of whom is placed a placard showing which *pargana* he receives for The muharrir examines, and if correct, signs, the cháláns payment is then made (at the Tahsil Office) to the pótdár or cashier who returns the duplicate chálán, which becomes the payer's receipt or voucher A single chálán is allowed to contain entries for more than one mahál or jointly liable body provided they are in the *same pargana*.

The district is divided into three collecting circles or tahsils. Instalments of revenue fall due in the months of August, November and March. On the first of the month succeeding that in which an instalment falls due, a notice

[1] Volume of Circulars, p. 185, as altered by letter to Deputy Commissioner Cachar No. 199, dated 26th January 1886. The rules derive their authority from Chapter V of the Regulation I of 1886.

or dastak is issued to the defaulter[1] If this fails, a second is issued carrying with it attachment of moveable property This is generally sufficient If not, the property is sold and if that fails, a third process is issued against the estate itself and the estate is sold by the Deputy Commissioner The Registers to be maintained at the Tahsils are special in form according to the different classes of estates,—joint mahâls, jangalbúrî leases with progressive revenue assessment, waste land grants, and so forth[2]

It will be observed that in the permanently settled estates it is not *necessary* that any process should be resorted to before sale. In non permanently settled estates sale can only be ordered if the District Officer is satisfied that the minor processes are insufficient. The Regulation (as amended) may be consulted as to sale procedure it being remarked that the alterations introduced in 1889 were intended to meet the difficulty occurring in Sylhet, and perhaps elsewhere, of the immense number of petty estates and the difficulty of effecting a personal service of notice of sale on the actual owner There are special Rules issued under the Regulation II of 1889 which must be referred to

Sec Reg 188 am in

§ 11 *Partition.*

Batwára or partition cases are, as may be expected, common in Cachar It should be noted, however that these divisions are, what in technical language called, imperfect, that is, while they define the several enjoyments, they do not dissolve the joint liability of the mahál or estate. I do not, however understand that the severance of the joint responsibility is impossible.

[1] As th mahâls are joint, very large number of these dastaks ha sometimes t ssue so that all sharers may have notice; and this may giv rise t the impression that the evenue is got in with difficulty and only by copious use of coercive processes this is not the case

[2] Vide Section III of the Rules, Notification N 31, dated 25th Jan 886.

§ 12 *Rent Cases.*

Rent cases were formerly decided in the spirit of Act X of 1859 though that Act was not formally in force in Cachar and when, in 1869, Bengal Act VIII repealed Act X, and made over rent cases to the Civil Courts, it became the rule in Cachar to hear rent cases in the Civil Court also

§ 13. *Waste Land Rules.*

I have already given some particulars about the waste lands held under leases It may here be noted that these waste land leasing rules refer to large areas of waste suitable for tea and special cultivation and not to every patch of jungle land that lies amidst the ordinary cultivation. As an instance of the latter it should be noted in passing that waste covered with thatch grass and reeds for matting is valuable, and there is an export trade for these articles [1] and it is often retained (under assessment) for the sake of these products, as if it were cultivated land. The Cachar Waste land Rules have varied from period to period those of 1876 (now in force) provide for an application being submitted, and for the survey and demarcation of the land. Notice is issued in case of any contrary claim or objection. The rules [2] provide for cases where the land was already under unauthorized cultivation, or is contiguous to another cultivated holding which may equitably have a prior claim.

The assessment payable has also been recently the subject of orders. The rate of assessment was a progressive one, so that land taken up under earlier rules in 1864, 1865 and 1869 would now be paying somewhat excessive rates arrangements are now allowed whereby the holder can relinquish and get a re-settlement at the rate of 12 annas an acre (R.3 10 per hal), thus equalizing the conditions of the older leases with those now issued. Under the present

[1] I believe that the excellent whit matting for which Calcutta is celebrated is made of grass brought from all this part of the country as well as from Chittagong. For the waste land rules, see *Volume of Assam Circulars*, p. 16a.

[2] See *Volume of Circulars*, p. 158, et seq.

rules the granteo executes a lease and becomes an ordinary landholder under the Regulation, paying a progressive assessment beginning with two years revenue-free and then 3 annas for four years, 6 annas for four years more, and then 12 annas an acre for twenty years in all.

SECTION III.—SYLHET

§ 1 *Origin and History*

This curious district called Silhat (Srihatta) is one of the old Bengal acquisitions of 1765. It may be described as forming, with Cachar the valley or alluvial plain of the Surma or Barák river—a sluggish stream with but slight fall, so that the banks of the river accumulated out of the silt brought down, form the highest and best cultivated and populous part of the country and slope off into hollow tracts often deeply flooded and traversed by a net-work of streams. The surface (except towards Mymensingh) is, however diversified by isolated hills called tilá, which are in fact outliers of the system of the Tipra and Lushai hills to the south-east.

Sylhet had come under Todar Mall's famous assessment in the reign of Akbar Under British rule it came under the permanent Settlement, but in a peculiar form. Unlike the other districts of Bengal, a measurement preceded the Settlement and instead of always selecting the chaudharis as Zamíndárs of estates vaguely known by name and including vast tracts of waste, the collector of the day (Mr J Willis) *settled only measured holdings with the actual occupants locally called* mirásdárs[1] Consequently all land not thus settled nor permanently settled by after-arrangements, is held on Temporary Settlement. The whole district is, in one aspect at any rate raiyatwárí, for the

[1] The Chaudharis f parganas managed, however to secure fairly good estat for themselves and their Zamíndárs are among the few good sized estates in Sylhet. The name mirásdár will indicate the same original system of cultivation as survi es in Cachar but the joint organization of the mirásdárs in Khel and Rajyá, has not sur vi ed in Sylhet.

land is held by the cultivators or holders without any middleman only that in the case of the old settled land the revenue of the holdings is not liable to any revision, while in the rest it is. To this district were added, in 1835, the Jaintyá parganas which were taken from the Rájá of Jaintyá in consequence of gross and repeated misconduct[1] These were also temporarily settled.

Sylhet was added to Assam in 1874, and the Act XII of that year enables the necessary arrangements to be made for the exercise of powers by the Chief Commissioner A notification under the Scheduled Districts Act[2] declared various Acts and Regulations to be in force, and thus set at rest many questions. But the notification does not affect the force of any other Acts and Regulations that may be current owing to the former position of Sylhet as a Bengal district; it only puts an end to doubt as to enactments actually mentioned. The revenue law is now Regulation I of 1886 which repeals the older laws.

§ 2. *Constitution of Estates.*

The result of the original Permanent Settlement was to constitute, besides the few large estates already spoken of in the note to p. 443 a vast number of small estates. Of 50,437 such estates, only 470 paid a revenue exceeding R. 100 and 20 996 estates paid under one rupee each!

§ 3. *Ilám and Hál-ábádí Lands.*

In 1802 under the orders of the Board of Revenue, the patwáris were instructed to report what lands at that time under cultivation (hál-ábádí) were liable to Settlement as not having already come under Mr Willis Settlement. The Collector accordingly issued a proclamation calling for

[1] See *Administration Report*, 1882-3, Section 85.

[2] Notification No. 1150, dated October 3rd, 1879 (Government of India). Until 1874 Sylhet was like any other district of Bengal, but in that year it became a Scheduled district. The Local Laws Extent Act of 1874 declared certain laws not to be in force and a number of others (as regards revenue matters with which we are concerned) has been repealed by Regulation I of 1886 as stated in the text.

claims to these lands, and these amounted, according to the reports, to some 350,000 acres. This, however was still exclusive of a large area of wholly unoccupied waste, which no one pretended to claim. These lands came to be called ilám (proclamation) lands.

The authorities offered leases of the *ilám* lands about one-eighth was taken up and settled in 1804 on no express terms as to duration. Holders were, however deterred from applying for leases, because some of the old Settlement-holders insisted that the *ilám* lands belonged to them. At length it was determined that they did *not* so belong special terms were then allowed for the ilám lands and the Settlements became permanent (as recognized in 1869)

The results of various Settlements in the *hál-ábádí* lands have been to create the following classes of lands, of which the Settlement *became also permanent* —

Ilám dáimí, only six estates taken up on the original proclamation.

Hál ábádí, 467 *estates* subsequently confirmed.
Khás hál ábádí (25 similar estates which reverted to Government, but were again permanently settled)

§ 4. *Permanently-settled Estates classified*

It was not only the originally settled estates and those of the hál ábádí class that have permanent Settlements a few others fell in to Government and were permanently settled with the new holders as required by the law at the time

Some estates claimed on invalid titles were also so settled under Regulation III of 1828, so that, taken altogether there are—

(1) Dahsála (or Dahsana) lands, 26 147 estates,—those of the original Permanent Settlement.
(2) Dáimí, resumed and settled under Reg III of 18_8 23,480 estates.
(3) Khás dáimí, lapsed estates, again permanently settled 451 in number
(4) Ilám dáimí as above explained 6 in number

(5) Hál-ábádí 467 in number

(6) Khás hál ábádí, similar estates which lapsed or became khás and were again settled 25 in number

§ 5. *Temporarily-settled Lands*

By far the greater part of these are lands not under cultivation at the time of the original Settlement, though there were some others that were permanently settled but have lapsed, or been lost by failure to pay and so forth. The reports now seem *to use the term ilám generally for all land that is not permanently settled.*

In 1869 a systematic re-survey and Settlement of *ilám* lands was begun, and a set of revised rules issued, with forms of *patta* or lease. Land that had been found waste at a previous survey in 1835, was put on the waste land register and much of it has since been taken up by tea planters and others[1]

The temporarily-settled lands then are divided into two main classes (1) lands in which Settlement-holders are recognized as having what is a landholder's title under the Regulation I of 1886 i e. *a practically* proprietary right subject to payment of revenue, though they have no right to any allowance in case they refuse a Settlement (ii) lands which are khás, i. e. in which Government has not made over the holding to any landholder on a Settlement for a term of years but keeping the land itself treats the cultivators as tenants under itself.

In the first class, are[2] —

(1) Temporarily-settled ilám and hál-ábádí lands

(2) Land that had been reserved for the maintenance of patwárís who were abolished in 1833 (Nánkár patwárgirí)

[1] Under th Settlement rules a certain area f waste not exceeding one-fifth of the cultivated area, was allowed t each holding; the rest was held t the disposal of Government. Petty estates paying not more than one rupee may redeem at twenty years' purchase of th revenue. (See p. 444, ant).

[2] See *Administration Report* for 1880-81 § 31 as regards the settlement of these estates.

(3) Alluvial lands and silted up lands &c. (charbhart and bilbhart)

(4) Izád or excess lands not included in the permanently-settled measurements, but not included in the proclamation as Ilám

(5) Resumed revenue-free not permanently settled and

(6) khás or lands once permanently-settled, which have been bought in by Government at sales for arrears of revenue.

In the second class are estates in the Karimganj Subdivision of Sylhet, being for the most part settled Ilám estates which have broken down lapsed, or fallen into arrears. The khás management here is similar to that of the ordinary Assam system the tenants are allowed fixed rates, and available holdings may be taken up by raiyats on application to the tahsíldár

§ 6 *Jaintiyá parganas temporarily-settled Estates.*

These have also been temporarily settled. A new Settlement was begun in 1876 and was finished in 1882. The rights are just the same as in temporarily-settled estates in the east of Sylhet[1] except that transfers other than those caused by inheritance, require the approval of the Deputy Commissioner[2]

The existing Settlement of the seventeen Jaintiyá parganas has unfortunately been the subject of a long correspondence,

There is a curious case of an estate, or rather group of petty holdings, in Jai tiyá which may be alluded to. Sylhet lime is famous, and the trade in t is large; t s obtained in the outer hills long the borders of the district It seems that in former years a person named I glis got valuable grant of the right to work the limestone. Another person (Sweetlands desiring to thwart him, immediately btained a grant of all the waste plots in the Jaintiyá parganas, hi object being to have the comma d f the growth f reeds which were required to burn th lime. Ingli managed, however t do without th reeds, or t get ver the diffi culty in some way; but there are still plots of ground over th parganas known as the Sweetlands mahál, the land being afterwards sold in small lots.

[1] See *Administration Report*, 1881-82 § 63.

[2] See Government of India, No. 1,183 R, dated 1st November 1884 (t Chief Commissioner). I have found in the *Settlement Report* mention of local measures of land which are curious —

which is scattered through several volumes of proceedings, &c. The former Settlement expired in 1877, and a new Settlement was made at a very considerable enhancement. This Settlement was not a success either as regards its records or the rates of assessment hence a general reduction of assessments had to be made, and the Settlement so revised will last till 1894. The complete re-settlement of no less than 36,000 petty estates, of which these parganas consist, will then have to be undertaken.

'A cadastral survey is spoken of for Sylhet and including these parganas.

In the plains the homestead and garden is called bhit and here also account has to be taken of basins or depressions (often flooded by the network of streams which traverse the district) called háor." The parganas close under the hills are extremely malarious and filled with dense jungle, as well as liable to flood from rain-swollen streams descending from the hills, while the crops suffer continually from the ravages of wild beasts other parts are fertile, and ek-fasl, and do-fasl (one crop and two crops) is a common distinction of the land. As in the rest of Sylhet, the best land is the cleared higher land on the slopes forming the banks of the Surma river Here betel palms abound in the homestead, and are proverbially said to pay the revenue."

There will probably be difficulties with tenants in these parganas, for it appears that the alleged occupants with whom the Settlements were made were in some cases not the persons really entitled.

§ 7 *Revenue-free lakhiráj Estates.*

There are a large number of petty revenue-free holdings debottar brahmottar to Hindu religious *pujáris* and to Muhammadans under the name of madadmá ash and chirághi, &c. They call for no special notice.

The ld standard used to be a káhan = 576 square feet; seven such measures make one pad; four of the pads go to a khiyár and twelve khiyárs to one hál or kulba.

In Jaintiyá the khiyár is to the bighá as 1¼ : 1 The measurement now adopted is the bighá (1600 square yards) divided into twenty dhar and the dhar into twenty kathás.

§ 8 *The Khás Estates.*

These estates are lands that have become Government property and are not settled with any one, but Government deals with the cultivators as the tenants of the State they are found in the Kanairghát tahsíl and in Partábgarh. The assessment, or rather rent-taking is managed by rules prescribed in the Chief Commissioner's letter No 101 T., dated 17th January 1885 In effect, the plan consists of a simple annual inspection, the result of which is a jamabandí or list of rent-rates which are sanctioned for the year only I mention this chiefly in order to emphasize the distinction, noticeable here and in Bengal, that Government khás management is *not* the same thing as ordinary raiyatwár management. In neither it is true, is there any middleman but in the one case there is a Settlement (even though it be an annual one only), with a legally recognized occupant or raiyat in the other there is a dealing between Government as landowner and its tenant properly so called.

§ 9. *Revenue Management.*

The revenue-management of Sylhet, though generally governed by Regulation I of 1886 has some peculiar features maintained by the existing rules[1] There are tahsíls in Sylhet, and the reader is aware that tahsíl means a local revenue division of a district, under a Tahsíldár In the Assam Valley the land is often grouped into mauzas, under a mauzadár directly under the district or subdivisional officer the tahsíl system has only been partially introduced In Sylhet, one system of management prevails in the head-quarters and subdivisional tahsíls, and another in the Jaintiyá tahsíls and in the Partábgarh tahsíl. As regards the first system, the *khels* or mahals (aggregates of revenue-paying holdings) are grouped into circles locally called zillah[2] Each zillah is represented

[1] See rules dated 29th April, 1887 and letter from Chief Commissioner No. 197 dated 26th January 1886, and the recent rules under Reg. II of 1889.

[2] Here another peculiar sense will be noted; for just as the mauza of other parts means the single village so zillah (zila in other parts means a whole district, and not, as in Sylhet, a fiscal grouping of several mahals or revenue-paying estates.

at the tahsíl office by a 'ziladár' assisted by clerks and writers. There is also an official called a 'pôtdár'[1] who is a sort of cashier. One or more such 'zillahs' constitutes the jurisdiction of a tahsíl presided over by a tahsíldár.

All revenue from the numerous small estates has to be paid in by means of a duplicate invoice or 'chálán,' handed to the ziladár in the first instance[2]. On that officer signing it as correct (and for this purpose he has his 'tauzí' or revenue-roll to refer to), the revenue-payer carries his money with the *chálán* to the Tahsíldár. The pôtdár counts the money and examines the coins, &c., and makes an entry (if all is correct) in his day book. A register of the chálláns is also kept up for each zillah. One of the copies of the chálán (signed) is returned to the payer and becomes his receipt or voucher. As the pôtdár and the ziladár and the tahsíldár all keep books, one is a check on the other. Arrears of revenue are recovered as described under Chapter V of the Regulation and Rules made pursuant to the amnesty Regulation II of 1889. Sale of the estate *may* be ordered at once in the case of permanently settled estates.

The rules also prescribe a number of registers, the object of which is to keep the Tahsíldár aware of the existence of all estates, whether permanently-settled, temporarily-settled, 'khás' under waste land rules, &c., and the revenue to be accounted for as well as to know the various instalments (*qistbandi*) in which different revenue-payments fall due and any arrears and balances that accrue.

In the two tahsíls of the Jaintyá parganas and in Partábgarh, the 'pargana' or 'mauza' is spoken of instead of 'zillah' but, except for this difference of name, the procedure is very much the same.

Payment is made (as before) by chálláns; and each *mahál* pays by a joint chálán (made out in duplicate[3]).

[1] More correctly 'pôtdár'—meaning literally a weigher and assayer of coins.

[2] The ziladárs all sit at fixed places, with placards, so that every person may know which is the ziladár of his zillah, to whom he must go.

[3] In all cases there are authorized chálán writers, who are entitled to a very small fee for making out the chálán.

There are some differences in the registers to be kept up for which the rules must be consulted.

In Partábgarh are the khás lands already spoken of and in Jaintyá there are some house-tax paying villages to be accounted for in appropriate forms. There is also a special form of making out and publishing a bákijái, or list of arrears, and of recovering the money Rule 23-5

§ 10 *Revenue Settlements (temporary and for Khás Lands)*

I have read a series of papers separately describing recent Settlement operations for the temporarily-settled lands of Sylhet. The correspondence relates to (1) the ilám lands, including all lands not permanently settled, and treated separately because settled under rules of 1876 and earlier years (spoken of as ilám rules) (2) to the jots or groups of land held khás (being lands on which Settlement had been refused by the holder or which had been sold for arrears) in the Partábgarh tahsíl (see § 8 ante) and (3) for the miscellaneous estates, meaning those called nánkár patwárgiri, charbhart, &c. There are some 2432 of these miscellaneous estates, only 23 being over 100 acres, and only 203 being over 10 acres They are scattered over a tract measuring more than 4000 square miles.

The outside reader feels the greatest difficulty (and one which I am unable to remove) in understanding why all these temporarily-settled estates should not be put on the same footing and settled on the same principles, all distinctions being allowed to drop into oblivion. At present the Settlements fall in at different dates but that would very soon be equalized.

SECTION IV —THE HILL DISTRICTS.

§ 1 *The Inner Line.*

It will be observed, on a glance at the map, that the Assam districts are all of them more or less in contact with

hills[1] inhabited by various tribes, more or less civilized or barbarous, on the north and north-east, as well as with the central hills of the Assam Range. On the south, too, Sylhet and Cachar are in contact with the hills of the Lushai country. Some of the tribes occupying the hills are independent, or in merely political relation with the Government; others are under British administration, but are not advanced enough to be under the same Civil, Criminal, and Revenue Laws as the older districts of the plains. It is, therefore, necessary (*a*) not only to provide a simple form of administration for such hill districts as are British, but also (*b*) in the case of the frontier and other hill tracts, to regulate the intercourse between the inhabitants of the plains and the hill tribes, whose country presents attractions in the shape of a trade in india-rubber and ivory. If landholding in these hills and the trade intercourse were not regulated complications and quarrels would be sure to ensue. In 1873, therefore by Regulation V (of that year), a law was made, the object of which was to enable an 'inner line' to be drawn between the hill tribes and their neighbours in the plains. The holding of land beyond this line by strangers, and the intercourse for trade purposes or collecting forest produce is prohibited or regulated. The Regulation has ceased to apply to the Gáro hills[2] and no inner line has been found necessary in the Khási hills; but it is still in force on the northern frontier and to the south of Cachar.

§ 2. *Law for the Government of the Hill Districts.*

Besides this 'inner line' Regulation the Regulation II of 1880 as extended by III of 1884 may be applied to all the hill districts directly under administration as British territory; it enables the boundaries of such districts in respect

[1] Of the 45,839 square miles of which Assam consists 17,698 are hilly country.

[2] Regulation I of 1882 for these hills now does all that is necessary for regulating the collection of timber, ivory, wax, India-rubber, &c., by persons not being natives of the hills. Power is given to extend such regulation when necessary, to the case of the people resident within the hills themselves.

of the adjoining territory under the regular law to be fixed and it also enables the Chief Commissioner to declare that any enactment not suited to the place, shall not be in force [1]

The *frontier* hill tracts, to the north and north-east and at one point to the extreme south-east of the province, will not need further notice in these pages but some details regarding the hill districts of the Assam Range may be suitably included.

§ 3. *The Hills of the Central Range.*

There is no regular land revenue system in these hills A house-tax is levied, and not land revenue. But in the Gáro hills and a small corner of the Nágá hills, and in the Jaintyá hills, there are tracts where a land revenue is taken. The house-tax is, in the Gáro Jaintyá, and Nágá hills, and such of the Khási villages as are British, collected and paid in by headmen, who like the mauzadárs of the Assam Valley are remunerated by a commission. These officers are called Lashkar and Lakma in the Gáro hills, Dolloi (Dálái) and Sardár in the Jaintyá and Khási hills and Lambardár in the Nágá hills. These hill districts, therefore, can only interest us, in this manual, from an administrative point of view and a very brief account will be sufficient.

[1] Regulation II of 1880 originally applied to frontier tracts, but the Gáro, Khási and Jaintyá hills, and those of Mikir or Nowgong, are not frontier tracts, they are in the *midst of the province*; accordingly Regulation III of 1884 extended the application. The Regulations have been applied to—

Th Nágá hills Notification, Foreign Department 988E. } 22nd April 1884.
North Cachar hills Notification Foreign Department 989E. }
Dibrugarh frontier tracts Notification, Foreign Department 990E. }

Khási and Jaintyá hills Notification, Foreign Department 2690. } 5th November 1884
Gáro hills Notification Foreign Department 2690. }
Nowgong (Mikir hills Notification, Foreign Department 2696. } 12th November 1884

The list of enactments excluded, chiefly refers to the Stamp, Court fees and Registration laws, and th Transfer of Property Act, 1882. Th Civil or the Criminal Procedure Cod or both, are also excluded and replaced by simpler rules f the procedure in administ ring justice See *Administration Report f r* 1884-85, paragraph 75 p. 81

§ 4. *Gáro Hills.*

The Gáro hills—the first group in the range, beginning with its western extremity—have been already alluded to as surrounded on three sides by the estates of chaudharís who have become permanently-settled *Zamíndárs*. The Gáros, as already stated, used to give great trouble by raiding beyond the limits of their hills. For some years after the grant of Bengal in 1765, the *status quo* was maintained unaltered. But in 1816 the state of affairs attracted attention. The Gáro hills were then made a separate district, the interests acquired by Zamíndárs within the limits of the district having been compensated and extinguished.

A special commission was appointed, and Regulation X of 1822, already alluded to, legalised the arrangements made. But it was not till 1866 that an attempt was made to have an officer resident in the hills district during the healthier season of the year. In time the Regulation X of 1822 was superseded by Act XXII of 1869 under which simple rules were made for the general administration, a number of chiefs in the interior being left practically independent. This Act remained till the Scheduled Districts Act of 1874 was brought into force. In 1871 a murder in connection with survey operations resulted in measures the end of which was that the whole district was brought under administration and Regulation V of 1873 was applied to regulate the intercourse of the people in the plains, who desire to collect timber ivory wax, and other forest produce. This Regulation is now superseded by Regulation I of 1882 and Regulation II of 1880 (as extended by III of 1884) settles the law to be enforced. The district is now traversed by excellent roads and is perfectly peaceable. Cultivation by jum is practised, but valuable forests have been reserved as State forests.

The history of these hills, showing their transition, in the course of years, under suitable management, from being a nest of marauders to a peaceable territory is instructive

in all probability it is one that will repeat itself gradually in all those hills which once were really frontier districts, but are now hemmed in by British territory on both sides, since Burma was annexed.

§ 5. *The Khási Hills.*

In this next group the country is not under British law but under general political control and is so peaceable that no inner line is needed. When Assam was annexed in 1826 it became an object to have a communication with the valley through these hills some opposition was offered to this, and attacks on the road making party resulted in murders, which led to coercive expeditions. But in 1833 all the chiefs submitted [1]

The greatest part of the hills consists of estates of the chiefs they pay no tribute but have resigned their mines minerals, forests, elephants, and natural products, and receive half the profits from these sources. Justice is administered by the *darbárs* or Courts of the States but heinous offences, and those in which the subjects of other States are concerned, are dealt with by the British authorities. The people are extremely well to-do, and make money by trade in the staples which the hills produce [2]

A few villages acquired in 1833, or since ceded, are British—chiefly in the neighbourhood of Chirapúnjí, Mylhim, and Shillong The lands around the station of Shillong were acquired from the chief or Seim of Mylhim in 1863 by purchase [3]

The cultivation is more elaborate than in some of the hill states, and in the hollows of the plateau rice is carefully grown on irrigated terraces [4]

[1] The Khásis were known in former days as troublesome marauders, whose incursions had to be checked by a line of forts along the edge of Sylhet. A Regulation (I of 1799) still stands on the Statute book prohibiting the supply of arms and ammunition to the hill men, and forbidding any one to pass over the Company frontier with arms in his hands

[2] *Adm Rep.* 1882–83, § 93.

[3] Aitchison *Treaties*, vol. i. pp. 207–209 Shillong now forms the head quarters of the Assam Administration

[4] See *Statistical Account of Assam*, vol. ii. p. 223, for an account of the process; and see *Administration Report*, 1882–83, § 90.

§ 6 *Jaintyá Hills.*

These are British. The Rájá, having been deprived of the parganas in the plains, as already stated (*vide* section on Sylhet), refused to keep the hill tracts and they thus lapsed to Government in 1835. The subdivision was in charge of an assistant stationed at Jawál. The hills are divided into twenty three petty districts, four of which are managed by Sardárs or chiefs and nineteen by headmen called Dollois (Dálái). They did not manage well, and outbreaks occurred in 1860 and 186–. Since the suppression of these and the establishment of a British officer, and the reformation of the Dollois management, there has been perfect peace. The Regulation II of 1880 applies, and simple rules for the administration of justice are in force. There are some ordinary plough-lands in this subdivision known as *ráj kálí* lands and these are assessed at a revenue of ten annas per bighá of 1600 square yards, payable on or before the 30th June [1]

§ 7 *North Cachar Hills.*

It is convenient to include this portion of the British Cachar district in this notice because it is administered separately. The tract is separated from the plains by the great Baráil Range and consists of hills of low elevation. The district became British partly in 1839 and partly in 1854 [2] After some changes which it is not necessary to refer to, the station of the officer in charge of the subdivision was fixed at Gunjong.

§ 8 *Nágá Hills.*

This tract, as separate from that to the east indicated on the maps as Independent Nágá tribes is now British territory and was so proclaimed in July, 188–. The *district* as it now exists was formed in 1866 partly out of the

[1] For details see Chief Commissioner's letter to the Deputy Commissioner Khási and Jaintyá Hills, No. 3136, dated 11th August, 1886.

[2] Under circumstances detailed at § 95 of the *Adm. Rep.*, 1882-83.

North Cachar hills, and partly out of the Nágá hills A great forest area called Nambor has been taken in charge as a State forest in the uninhabited valley of the Dhánsiri river The administration is like that of the other hill districts that are British territory

The history of the Nágá expeditions, their causes and consequences, may be read in the *Administration Report* for 1882–83 (§§ 96–99) Samaguting the former head quarters of the officer in charge, was given up and it is now at Kohima.

CHAPTER IV

REVENUE BUSINESS AND OFFICIALS (THE WHOLE PROVINCE)

SECTION I.—THE OFFICIAL STAFF

§ 1 *The Chief Revenue Control.*

THE Chief Commissioner is, under the Regulation, the chief controlling authority in the Province, subject to the orders of the Governor General in Council.

Reg. I of 1886, sec. 22.

§ 2 *The Commissioner and Deputy Commissioner*

Each district is presided over by a Deputy Commissioner who is a Revenue Officer (and so are his Assistants and Extra Assistants) under the Regulation.

Sec. 123.

The districts of Assam Proper and Goálpárá are united under the superintendence of a Commissioner (also a Revenue officer). But the districts of Sylhet and Cachar and the Hill districts, are not under a separate Commissioner. In them the Chief Commissioner of Assam is himself the Divisional Officer or Commissioner.[1]

Ibid.

§ 3. *Subordinate Officers*

In each district, there are, or may be *subdivisions* in charge of Assistant or Extra Assistant Commissioners. The officer so in charge has by law certain powers specified; and may be invested with further powers of a Deputy Commissioner. Under the Regulation (as already stated) the Commissioner, Deputy Commissioner, Assistant and Extra

Sec. 26.

[1] *Administration Report*, 1882-3, Part II A, § 102-4.

Assistant Commissioners are the Revenue Officers but the Chief Commissioner is empowered to appoint other revenue officers. Under this provision, for each district (except Goálpárá) an officer called a Sub-Deputy Collector has been appointed he is employed mainly on supervision of the revenue establishments, on looking after Settlement survey operations, and the compilation of revenue records and returns.

§ 4 *The Mauzadár*

In the Assam Valley including the Eastern Dwárs (but excluding the permanently settled estates of Goálpárá where there are no district revenue establishments) the revenue is collected by mauzadárs, unless where they have been superseded by the agency of tahsíldárs.

The *mauzadár* is spoken of as a revenue contractor His functions in recording the lands in his mauza, and in measuring and assessing them by the aid of the mandals, have already been described. The result of these measurement and assessment operations is to enable the mauzadár to submit to the district officer a statement showing the revenue. In the estates belonging to his mauza (technically spoken of as lands amalgamated with the mauza) he is personally responsible for the revenue, and collects it. He is allowed a commission of 10 per cent. on the total up to R. 6000, and 5 per cent. on any amount above that sum.

§ 5. *The Tahsíl System*

In the Kámrup district tahsíls are already constituted, and some in Darrang The area of the tahsíl is larger than a mauza, and the agency is better conducted, while it is less costly as it is a regular Government paid agency in lieu of the contract responsibility which necessitates a rather high rate of commission being paid[1]

The Tahsíldár is graded with the Sub-deputy Collectors.

[1] In letter t the Government of India No. 353a, dated 26th Oct ber 1887) is nclosed an interesting memorandum by the Director of Land Records how ng the d fect of the mauzadári system, the loss occasioned by errors n classification and measurement of lands under that system, and the advantages of the tahsíl system.

Under the same system, and indeed as a consequence of it, kánungos have been introduced, on the North-Western Provinces model there being supervising kánungos, for out-door inspection—to keep the 'mandals up to their work and a registrar-kánúngo at head-quarters to keep up the records.

The duties of Tahsildárs, Sub-deputy Collectors and Kánúngos are explained fully in the Rules for Mandals, Supervisor Kánúngos, Tahsildárs, and Mauzadárs, Registrar Kánúngos, and Sub-Deputy Collectors issued with Circular No. 31 dated 28th June, 1887 These apply to cadastrally surveyed estates, which are naturally the parts of districts in which the 'improved system is first developed[1]

6 *Powers of Revenue Officers.*

The powers of Revenue officers are so clearly explained in Chapter VII of the Regulation, that a reference to it is sufficient. It will be observed that where there is the intention to have a cadastral survey and Settlement, a Settlement officer and a Survey officer may be appointed. When the ordinary procedure is adopted, the Deputy Commissioner and subdivisional officers have the powers of a Settlement officer

SECTION II.—LAND-REVENUE BUSINESS.

§ 1 *District Registration of Titles.*

Apart from the documents prepared at the annual or periodic Settlements, the Deputy Commissioner is bound to maintain—

(1) a General Register of revenue-paying estates,

(2) a General Register of revenue-free estates and

[1] It will not be understood that Sub-Deputy Collectors are only concerned with cadastrally surveyed tracts; on the contrary his jurisdiction must be regarded as extending over all the mauzas of the subdivision to which he is appointed, whether brought under cadastral survey or not. (Circular No. 31.) Indeed, the less perfect the system the greater is the need for the check of the measurements and records, simple as they are which the mandals and mauzadárs are responsible for

(3) any other Registers which the Chief Commissioner may direct.

Every proprietor or landholder who succeeds by inheritance or transfer and joint holders, managers and mortgagees, *are bound* within six months from the date of getting possession, to apply to be registered. And all persons already in possession when the Regulation came into force, *may* apply for registration.

For the procedure, and consequences of non registration, reference may be made to the Regulation and for the forms of Registers and other details, to the Rules.

§ 2. *Collection of Revenue*

This forms the subject of Chapter V of the Regulation, under which also Rules are issued *relating to the collection* of revenue and recovery of arrears [1]

The *general* rules fix the instalments provide for the opening of separate accounts (where, in large holdings or permanently-settled estates, there are joint-owners) provide for the issue of notices of demand after an arrear has accrued regulate sales and prescribe certain registers of sales and coercive action for recovery of arrears [2] Reg 886, 68.

The rules 20–24 apply only where there are no tahsils and where the old *mauzadár* system of collection is in force. Rules 20 4

The rules 26 and 27 apply to the tahsíls in Cachar and Sylhet. Ib 26

The rules 34–37 apply to permanently-settled estates in Goálpárá. Ib. 34

There is nothing in these rules that calls for special remark where they apply solely to the districts of Cachar Sylhet Jaintyá parganas, or Goálpárá, their effect has been noted in the sections devoted to these districts.

The Regulation provides generally that joint-holders are

The general rules are in Notification No 31 dated 29th June 886, which came into force from 1st July 886.

In Assam the arrears process is technically spoken of as bákijái; e.g. the bákijái register means register of issue of processes against defaulters.

liable jointly and severally (this will find special exemplification in Cachar but may apply anywhere) and so where a tax is imposed on a family or a house,' the tax is due from all males above eighteen years of age, jointly and severally —who took any part in the cultivation of the land.

Reg sec. 65 Section 65 provides for the opening of separate accounts in the case of co-sharers in permanently-settled estates.

The Regulation, it will be observed, does not leave payers of revenue to wait (as the Burma system does) till a notice or tax ticket is served on them. They know the instalment dates and are bound to pay of their own accord (according to their lease or *patta* which leaves them in no doubt) and if they fail to pay by sunset (or the day being a Sunday or holiday on the next day) they become *defaulters*.

On a defaulter first, a notice of demand is served on the expiry of the time allowed by this notice and not before, further proceedings may be taken. These are (1) sale of moveable property by order of the Deputy Commissioner in the manner provided in the Civil Procedure Code, and excepting artizan s tools and agriculturists necessary cattle

R I of 886, sec. 69. and seed grain (2) sale of the defaulting estate under proviso [1] (3) sale of immoveable property other than the

Sec 70. defaulting estate This may be in the district if not, a certificate of demand is issued, and the sale will be made by the Deputy Commissioner of the district in which the property is situate.

In certain places to be notified by Chief Commissioner

Sec 90 (and not being permanently-settled estates) the law provides for the annulment of Settlement (which extinguishes the arrears) when sale of moveables under Section 69 is not sufficient.

§ 3. *Partition*

The provisions of Chapter VI are general i.e. for all Assam districts.

[1] An estate sold has a title free of encumbrances except certain tenures specified, and existing on the estate at time of sale See secs. 70-77 of the Regulation of 1886 as amended by Reg. II of 1889.

There is the usual Indian distinction between perfect and imperfect partition. The latter (everywhere) implies that each sharer gets his several interest declared or demarcated on the ground, as the case may be for separate enjoyment *without* dissolving any joint liability to the Government for the revenue on the whole estate. The former implies that the joint liability is also dissolved Any one in actual possession (whether it is a permanently or temporarily settled estate) may apply for either partition provided that a separately liable estate—liable for less than R. 5, cannot be created that is the limit to perfect partition.

The details of the Regulation do not require comment.

There may be, under Section 120, the reverse process, Sec that is to say a union of two or more estates held by recorded landholders or proprietors.

§ 4. *Procedure.*

The eighth Chapter of the Regulation fixes the place at which Revenue-officers may hold their Court, within the Division (of a Commissioner) or within the district, as the case may be. Power is given to summon any one to give evidence for the purpose of any investigation or other business conducted under the Regulation. Power is given to refer disputes to arbitration by consent of the parties. Appeals are provided for except in certain cases in which the orders originally passed are final. An order appealed Reg. against may be suspended pending the result of the appeal 147 and there is a general power of revision independent of See appeal. *The jurisdiction of the Civil Court is excluded in* Sec a number of matters which pertain to revenue administra- Sec tion, and in which it is desirable that the revenue authorities *should have exclusive jurisdiction.*

The Regulation closes with provisions for the making of rules and imposing of penalties for broach of them. It is provided that at least once in three years, all the rules in force under the Regulation, and arranged in convenient order shall be republished in the *Gazette.*

§ 5 *The Department of Land Records and Agriculture.*

The present Department of Land Records and Agriculture was created in May 1882, under the title of Department of Agriculture. In January 1887 the name was changed to that now borne. The object of the Department was declared by the Government of India to be threefold—

(a) the supervision of the annual Settlements of the Assam Valley Districts

(b) the securing of uniformity in the compilation of the village papers

(c) the investigation of the economic circumstances of the Province[1]

Shortly after the creation of the Department, a cadastral survey party was sent into the Province, and the task of supervising the Settlement operations that accompany a field-to-field survey was entrusted to the Director The cadastral party is steadily moving eastwards along the Assam Valley it has completed the survey of 1721 41 square miles in the two districts of Kámrúp and Darrang The supervision of the maps and records thus produced is amongst the most important of the duties at present performed by the Department.

[1] In addition to keeping the above objects before him, the Director has in his hands the manipulation of all the trade statistics of the Province and issues annual reports on the traffic carried on with the border tribes and on that borne by the Bráhmaputra and Surma rivers to Bengal.

PART V—COORG

CHAPTER I

GENERAL HISTORY

§ 1 *Early History*

THIS little province some 1583 square miles in extent, has a considerable interest, from the point of view of the student of land tenures, because it affords another and in some respects a peculiar example of the results of conquest by a tribe which first established its system of rule by separate estates or unions of lands, over each of which a chief or head of a clan or other division presided. But in time these separate tribal or clan chiefships fell under the power of a Rájá or overlord, and then the Hindu system of administration was followed. Lastly Coorg was conquered by the Muhammadan Sultáns of Mysore. This historical condition of things has left its mark on the land tenures. The history will prove specially instructive in connection with that of the neighbouring district of Malabár (page 151 ante) and the curious fallacy about there having been (exceptionally) no land revenue in the country. Probably very similar stages were gone through in Coorg. The Haléri Rájás, when they gained the supreme power adopted the usual Hindu form took the central domain

under their own control, and left the outlying districts to be managed by the (now subordinate) chiefs. The Rájá collected revenue within his own domains only but (as usual with the Southern kingdoms) he levied a general revenue-payment, and also had a special allotment of 'royal land'—the whole produce of which, raised by slave labour was sent to the royal granary. In the outlying estates, the chiefs received the revenue the Rájá took nothing from them beyond certain customary dues and fees. Very probably minor landholders of the superior race who were not important enough to rule territories or hold official posts, were allowed to hold land with the privilege of assessment at a lower rate of revenue than others. In later days, following the example of Mysore, the king assumed to take his land revenue from *all* lands and estates, unless he expressly favoured some of his chiefs by giving them service-grants. In still later years, we find the general land revenue a matter of settled custom, and a shisht or record of assessment well known.

Colonel Wilks in his *History of Mysore*, says that the Coorgs[1] are descended from the conquering army of the Kadamba kings, dating about the sixth century of our era. The Kadamba kingdom, in the north west of Mysore, appears to have embraced all the countries in the vicinity. It was the Kadamba race that afterwards founded the Vijáyanagar sovereignty and at the end of the sixteenth century Coorg was still ruled by its own princes, as mentioned by Ferishta, though by that time it seems that the chiefships, into which the whole country was divided, acknowledged the suzerainty of Vijáyanagar.

The chiefs were called or entitled Náyaka. This is perhaps to be identified with the Náik of the Maráthá territories of Southern India. In caste they were of a proud military order probably of Dravidian or mixed origin. It seems possible that they may have been con

[1] Coorg is an Anglicised form of Kodagu; the Coorg race proper re Kodagis. A long story about thi—which does not bear upon our present subject—is to be found in Mr Rice's Gazetteer of Mysore and Coorg (Bangalore Government Press, 1878), vol. iii. pp. 100-194.

nected with—at any rate they resembled closely—the Náyak of Canara and the Náyar of Malabár The earliest form of government established in Coorg was as I have stated, that of several tribal chiefships. It is matter of tradition—but tradition that is confirmed by all we know of early Dravidian institutions—that the country was formed into twelve kombu or districts[1] each under a Náyaka. Things went on for some time in this way till certain of the Haléri pálegárs (it is supposed, from the neighbouring and already established kingdom of Ikkéri or Badnúr) found their way into Coorg Whatever the truth may be the Haléri Rájás *who succeeded in intruding were* not Kodagas, but aliens, and of the Lingayat sect. They obtained the overlordship and gradually destroyed the original organization. In time, the descendants of the Kodaga Náyaks, ceasing to be rulers of small territories, descended to the position of landholders asserting—as usual—a strong proprietary and hereditary right, and being conciliated by a privilege of paying only half revenue rates to the *de facto* sovereign.

After various fortunes, among which war and slaughter were the most common, and after being overrun by Haidar Ali and Tipú Sultán s armies, the Coorg state became the ally of the East India Company Things seemed to promise well up to about 1811, when a chief named Linga Rájá, obtained the government, having originally been appointed the guardian of the minor heiress of the former Rájá. After a reign of untold wickedness and cruelty he died in 1820, and was succeeded by his son Víra Rájá, who was, if possible, worse than his father In 1833 these iniquities compelled the interference of the British Government but

Wherever we have any trace of the ancient Dravidian and leo Kolarian tribal rule we have the same thing the Kolarians never reached any further stage The Dra idian races very early had centralised government, probably from the time of their amalgama tion with the Aryan immigra ts

[1] The kombu of Coorg was the nád of Malabar nd Mysore and the parhá of Chutiya Nágpur;—a union or group of number of villages or other family settle-ments, under one chief, who sat in council with th other chiefs, when affairs concerning the whole country required it.

all peaceful means having failed, it was at last necessary to send a force. The country was reduced and formally annexed by proclamation in May 1834.

§ 2 *Present Administration.*

Coorg is directly administered by a Commissioner who is also District (Civil) and Sessions Judge. He is subordinate to a Chief Commissioner who resides at Bangalore. The Resident for the Native State of Mysore is *ex-officio* the Chief Commissioner

Coorg is a scheduled district under Act XIV of 1874, and is subject to the 33 Vic. cap. 3

The civil and criminal courts were regulated by Act XXV of 1868 But this Act is now repealed. Civil jurisdiction is provided for by Regulation (33 Vic. cap. 3) No. II of 1881 amended by Regulation No I of 1885. Criminal jurisdiction is under the Criminal Procedure Code.

The province is divided into six taluks comprising twenty four náds. The nád consists of a group of grámas, or hamlets, there being no villages. The land grouping resembles that of Kánara and Malabár consisting of detached family holdings, farms or wargas, with houses on them. The term wargá has the same origin and meaning as in Kánara (see page 147 ante)

Each taluk is in charge of a Súbadár (or Subedár according to the local spelling). Each nád[1] has a headman called parpattegár who in several cases exercises both civil and criminal jurisdiction.

There are also in each nád two or three leading men known as Takká, representing the old resident families[2]

[1] In Y lusávira-shîmé and part of Nanjarájpatna the nád is replaced by the Mysore (official) grouping of the hobali. This term [illegible] and the Persian Súbadár are relics of the Mysore occupati[illegible]n.

[2] And they held certain land in virtue of their headship, a relic like the watan of other parts, and once more suggesting the old Dravidian organization.

CHAPTER II.

THE LAND TENURES.

§ 1 *Local Features.*

JUST as in Malabár where we have noticed a traditional division of land between the priestly and the military castes, it is a tradition that Coorg was divided between the Koḍagas and their hereditary priesthood, the Ammá Koḍagas. After the accession of the Haleri Rájás, the leading classes, as I said, though ceasing to be rulers, yet continued to hold land on a more favourable tenure than others.

From the census of 1871 it would appear that about 15 per cent. only of the population were Coorgs and 76 per cent. Hindus the small remainder being Muhammadans and others. To the privileged tenure of the Coorgs a few other castemen have been from time to time admitted[1] Among the lower castes a class of predial slaves formerly existed perhaps representing the conquered aboriginal inhabitants they cultivated the lands held by the Coorg chiefs.

Coorg lies along the summit of the Gháts and it is in Coorg proper or inside the barrier that the true Koḍagas live and have their lands. Outside the barrier is the larger area to the north-east, and a narrow strip below Ghát on the east side, forming Yelu-sávira-shime and two hobalis of the Nanjarájpatna taluk

Naturally in such a country there are narrow wet valleys

[1] A detailed account will be found in Rice Gazetteer vol. iii. pp. 233 et seq.

besides the hittalu manédalu — a plot of land for garden, yard, cattle-sheds, &c., attached to every dwelling site.

§ 3. *Slaves or Serfs.*

As usual in conquered countries all over Southern India, the ruling classes employed the enslaved aborigines to cultivate the jamma lands. This of course was not recognized by the British Government, and the slaves soon found no one could interfere with them if they left and went to cultivate coffee or other lands, where profitable wages were offered.

This was the source of much difficulty since the jamma owners had no means of cultivating their lands, for they could not let or alienate them. It was ultimately determined that a portion of the holding not exceeding one-fourth, might be sublet on the vára plan (metayer or paying half produce) this tenancy has to be offered to certain classes in order. The limitation is not, however enforced in the case of widows, minors, and others incapable of cultivating land themselves.

New land can be acquired by Coorgs on the jamma tenure in certain cases e.g. by conversion of ordinary or ságu land into jamma in the case of the restoration of old abandoned wargas, and on application for conversion when there are special reasons accepted by the Chief Commissioner[1]

§ 4. *The Restriction on Alienation explained.*

The reason for the restrictions on alienation above alluded to, are thus explained in a note made in 1834 by the Commissioner (Colonel Fraser). After describing the rule made by Pirajendra Rája, which entitles every Coorg to as much jamma land as he requires on condition of the favourable revenue-payment of R. 5 for every 100 battis, and the fee on acquisition and after remarking on the curious custom of giving the Coorg a handful of soil in token of his owner

[1] For the detail see the Government of India letter (Revenue and Agricultural Department No. 970 R., dated 12th October 18[illegible]).

ship, and taking the same from him in case he voluntarily resigns a holding or exchanges it for another the note goes on The practice of subletting can never obtain in this country If it could, we should soon have numbers of great Zamíndárs in the district. A whole nád might by degrees fall into the hands of an individual capitalist from Mysore perhaps, or the districts below the gháts and the lightness of his assessment would enable him to sublet it to others with personal advantage, though without personal care or labour But this is effectually prevented by the usage of the country which decidedly forbids it, and the principle that obtains of regarding the proprietary right to the soil as originally vested in the sovereign [1] He grants a certain quantity of land to a raiyat at a certain annual rate and for the time divests himself of his property But the land has been granted to that particular individual and to no other it has been let at a specific rate of tax and no other [2] Let another tenant be found there, paying to the actual lessee a higher rate than that fixed by the Sirkár and the lease is *ipso facto* annulled the land falls again into the possession of the sovereign power and is again at its disposal.

§ 5 *Sagu Tenure.—Umbali*

The ordinary tenure of the country (i e of all land that is not jamma) is the ságu it is an occupant's or raiyatwári tenure, with no condition of service, and it pays revenue at the rate of R. 10 per 100 battis. Remission of revenue is allowed for failure of crops [3] Partition of jointly held ságu land is not objected to The holder of ságu land receives a ságavali-chitu or lease from Government, signed by the Subadár

[1] It would be more correct to say not originally but in later times as an assumption resulting from conquest The earlier authorities both Hind and Musalmán are I have shown in vol. i, Chap. IV distinctly against the general right of the sovereign to occupied or cultivated land.

[2] And subject to a claim of military service.

[3] There were formerly two classes of sagu tenure which paid at different rates. This is still kept up, but transfers from one class to another do not now take place It is not necessary to go into details on the subject.

that coffee might be cultivated even in excess of ten acres, provided that the bushes were planted under the natural forest without removing the large trees. All cultivation in excess of this is assessed[1]

§ 7 *Forest Cultivation*

Kumri cultivation (see Vol. I. p 116) was extensively practised in former days in the forests on the slopes of the western ghâts and in the forests of the south It was for a time prohibited, but has again been allowed to a limited extent, and under proper conditions, in favour of certain jungle families who are accustomed to this mode of cultivation[2]

Cardamom cultivation—by protection of the seedlings which spring up spontaneously when small clearings are made in the evergreen forest—is also practised

§ 8 *Royal Farms or Panniya.*

As a curious relic of the distinctively Dravidian institutions of Coorg, I should mention that the Râjâ not only took revenue from the demesne or territory directly under his own rule—as distinct from that held by his chiefs—but also had special allotments of land (=the majh has of South-Western Bengal). These were called panniyâ, and consisted of farms and estates, scattered over the domain, the produce of which went entirely to the king In some cases the lands were cultivated by metayer tenants, but ordinarily by a large body of slaves. The farms were exceedingly well cared for and highly cultivated[3]

The slave question gave rise to some difficulty on the annexation of the province but it was ultimately settled.

[1] Bâne [illegible] not (by that name) allotted t[illegible] holdings in the northern tal[illegible] [illegible] them, nor in the [illegible] below [illegible] ghât [illegible] the ea[illegible]t, but small [illegible] area of forest called tharân or kân[illegible] [illegible]nd hankal are g[illegible] n out.

[2] See the rules in Chief Commissioner's No. 659-44, dated 15th April, 1886. The concession [illegible] been [illegible]fined to the Kariké village and the limit [illegible] t[illegible] each cultiv[illegible] t[illegible]r to kumri t[illegible]n acres in the year by written orders of the parpattagar

[3] Gazetteer, vol. iii p. 319. The Râjâ generally took care to secure the best lands.

The farms themselves (which became the property of the State) were divided into the usual wargá, and were disposed of like any other land held in ságu tenure.

§ 9. *Coffee-Land and Waste Land Tenure.*

There is or was besides the timber or high forest on the hill crests, and the báné lands on the lower slopes adjoining the valleys, a very large area of jungle or waste. Much of this is suited to the cultivation of coffee. Where this waste is forest land (for coffee cultivation) it is applied for under Waste-land Rules. Where it is ordinary measured land that happens to be available, it is (whether taken up for dry or for wet cultivation) held on the ordinary ságu tenure, but with a certain graduated scale of assessment, to encourage the cultivator and help him over the initial expense of clearing and establishing fields. When waste was taken up for *coffee cultivation*, it was formerly held revenue-free, but the produce was liable to an export duty (hálat) of four annas per maund of twenty-eight pounds, or one rupee per cwt., of clean coffee. In October 1863 this duty was abolished and a uniform assessment of from one to two rupees per acre[1] for the whole area, was introduced from 1st May 1864. The rules for the lease of waste lands were issued by *Notification* No. 6 (Bangalore, 3rd June, 1884).

The available waste does not include Reserved, i.e. State forest-lands, nor does it include tracts set apart for village use. Villages have often assigned to them certain tracts locally known as paisári or grazing land, and urudvé or village forest, for the supply (free) of local wants in fuel small wood, and grazing[2]

[1] For the first four years assessment is not levied, then from five to twelve years R and after that R (*Administration Report*, 872–73, § 30).

[2] There has been a good deal of correspondence about the prevalent practice of starting unauthorised cultivation (chiefly coffee in lands allotted as village forest or grazing ground, as well as in Devarakádus afterwards described. To check this practice if the Commissioner thinks it necessary to compel the occupier to abandon the land, he is authorised to impose prohibitory assessment without limit, in preference to acting upon the former rules for exaction of penalties or sale of land by auction. Where

that coffee might be cultivated even in excess of ten acres, provided that the bushes were planted under the natural forest without removing the large trees. All cultivation in excess of this is assessed [1]

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[2] There has been a good deal of correspondence about the prevalent practice of starting unauthorized cultivation (chiefly coffee) in lands allotted as village forest or grazing ground, as well as in Devarakádus afterwards described. To check this practice, if the Commissioner thinks it necessary to compel the occupant to abandon the land, he is authorized to impose prohibitory assessment without limit, in preference to acting upon the former rules for exaction of penalties or [illegible] of land by [illegible]. Where

CHAPTER III.

REVENUE ADMINISTRATION

§ 1 *Survey and Settlement.*

The land revenue Settlement is virtually permanent. The assessment is still, in fact, that introduced by Linga Rájá in 1812, when a careful register was prepared of all revenue-assessed lands in Coorg proper. Rice-land only was assessed: such other cultivation as was possible on the slopes was free, or subject only to certain offerings of the produce. It was supposed that one-tenth of the rice-produce was the standard Government share. There had been a prior Settlement effected by Dóda Viraj in 1806 but this was limited to the Yélu-sávira-shímé taluk and two hobalis of the Nanjarájpatna taluk, below the (mountain) barriers. These shist accounts (as they were called) give the particulars of every wargá or holding and of the position of lands attached to each, whether báné, bariké or huttalmanédalu. Within the last twenty years a topographical survey which included the coffee estates and reserved forests, but not the revenue-assessed lands has been carried out. A revenue survey of the province has recently been decided on but this, it is understood, will not be accompanied by a fresh Settlement so as to disturb the old rates of assessment.

The jamma tenure is obviously a grant under sanad and the assessment at half the ságu rate on wet cultivation, is therefore absolute.

There has been no declaration that the ságu assessment will never be raised but the rates of the old shist accounts

are maintained, and I have not heard of any suggestion for their re-assessment.

§ 2 *Other Taxes on Land.*

Besides the revenue, all rice-lands pay a cess called dhúli batta, and there is a house-tax (muhtarafa) and there formerly was a tax levied to cover the State expenses of a festival (called huttári) at the beginning of the monsoon. This is abolished.

The dhúli batta is curious It indicates the dust of the threshing floor —the refuse paddy which was *accepted as a voluntary offering* by the first Haléri Chief when warily assuming the dominion over Coorg Of course in due time it became a regular tax, and no refuse paddy In 1868–69 it was commuted into a money payment.

A plough tax is also levied to pay for the cost of education. It is levied both on jamma and ságu lands, being four annas per plough on jamma and three annas on ságu holdings.

The revenue is payable by certain instalments according to class of land. Rice- and rági (millet) land pays by four instalments (in February March, April, and May) coffee-lands the same, unless the produce is exported to England, when payment in one instalment, before 3rd May is allowed. Cardamom land pays in February

Land on which an early cereal crop (called the Vaisákha crop) is reaped, pays in four instalments (from September to December [1]).

Remission of revenue is not allowed except on sanction of the Chief Commissioner not on the ground of failure of a crop but of real poverty and inability to pay For any single crop-failure it is borne in mind that the assessment is far from heavy and was fixed on the average of good and bad years so as to allow for occasional bad seasons [2]

[1] See Chief Commissioner No 498 dated 22nd September 1882

[2] Chief Commissioner['s] [o]rder as above 1882.

§ 3 *Revenue Procedure.*

The revenue procedure is guided by The Coorg Revenue Regulation (I) of 1889[1] This is chiefly concerned with detailed provisions regarding the recovery of arrears[2] by distraint and sale of moveable property or by attachment and management of any land or other immoveable property of the defaulters, or by its sale.

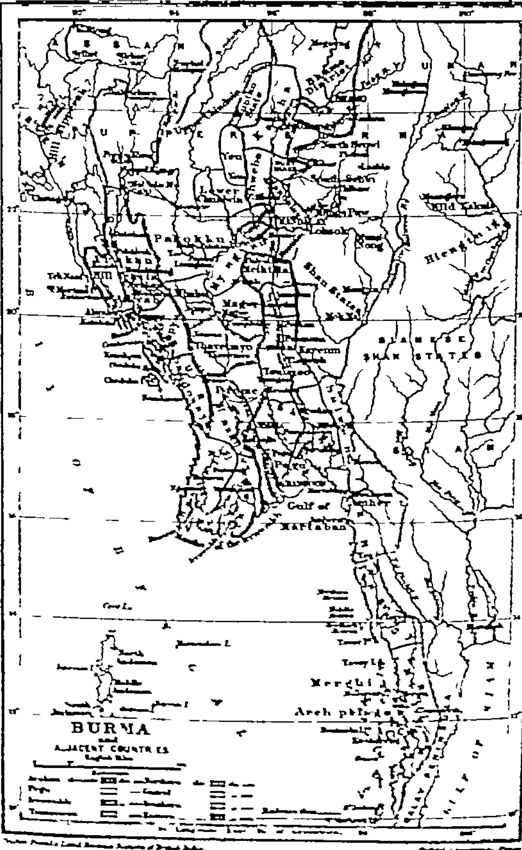
Sec. 63. The Civil Courts have no jurisdiction in any question as to the rate of land revenue or amount of assessment but redress may be had in the Civil Court by persons deeming themselves aggrieved by any proceedings under the Regulation such suit being brought within six months from the time at which the cause of action arose.

Sec. 64. The parpattegárs or revenue officers of náds have to inspect the lands and the cultivation in the nád. This inspection is followed by that of the subedár of the taluk and finally the Commissioner conducts the jamabandi or annual settlement by which is determined what land has been held and what revenue is to be paid, for the year

The village officers are the result of the aggregation of *wargs* or holdings into grámam, or something analogous to villages, for purely Government purposes. The headman and accountant over such groups are now to be found as elsewhere The pátel or headman receives a sanad, specifying his duties, which, as usual, are not only confined to revenue matters, but extend to repressing crime, watching suspicious characters, and so forth. He is remunerated by a percentage on the collections, or partly by that and an unofficial jodí or umbali (revenue-free) holding

[1] Repealing Reg. III of 1880.

[2] Revenue is in arrear when any kist or instalment is not paid on the date fixed. By definition revenue includes land-revenue cesses and mahtarafa, and every other sum payable to Government in accordance with law contract or local usage in respect of the occupancy of land or the supply of water to it for irrigation.



BURMA
and
ADJACENT COUNTRIES
Pakokku
Lower Chindwin
Shan States
SIAMESE
SHAN STATES
Thayetmyo
Karenni
Toungoo
Pegu
Gulf of
Martaban
Mergui
Archipelago
Coco Is.
North Andaman
Middle Andaman
South Andaman
Hill Tracts

PART VI.—BURMA.

(With a note on the Andaman Islands)

CHAPTER I

THE GENERAL FEATURES OF THE PROVINCE.

§ 1 *Division of the Subject.*

THIS province consists of two parts which must at present be distinguished. Lower Burma, which has been under British rule, part of it since 1824, and the rest since 1852 (see Vol. I p 48), is under the general Indian Statute Law including the several Acts (e g Act II of 1876 relating to Land) which have special application to Burma. Upper Burma, divided at present into seventeen districts (with a number of feudatory States under political control only and known as the Shán States) was formally annexed in 1886 and is not subject to the Indian Statute Law but is governed by Regulations under the Statute 33 Vict. Cap. 3.

It will be convenient then to keep the two apart in our study and the first four chapters deal only with Lower

Burma—which used to be called 'British Burma,' as distinguished from the northern country then under native rule.

When all relating to Lower Burma is disposed of, a separate Chapter (V) will give the outline of the Land Revenue administration followed in Upper Burma. The system described is not of course a final one: various features will in time disappear and especially a regular land revenue will take the place of the special taxes still maintained. But a sketch of the present system will not be unprofitable as showing how administration is made progressive and how local customs and the old habits of the people are respected, while cautiously and gradually aiming at a better and more uniform system in the future.

§ 2. *Physical Divisions of Lower Burma—Arrakan.*

Looking at the province as it came under British rule after the war of 1852, there were certain divisions distinguished locally as provinces[1]; and though these are not now made use of for administrative purposes—the Civil Divisions having been differently arranged—they are geographically convenient, and a brief notice of them will serve to give a general idea of the sort of country to which the Revenue law applies.

The province on the north west was called 'Arrakan.' It lies all along the coast, extending as far as Chittagong while inland it is separated from the rest of Burma by a long and broad range of hills. The Hill portion of Arrakan is excluded from the regular revenue law: it is occupied by tribes who adopt the practice of shifting cultivation, (already alluded to and further described in the sequel), which, throughout Burma is called 'toung yá'[2]. In

[1] Nearly all these names are conventional or Anglicized: they have often but little resemblance to the Burmese words, which it is impossible to give. I have no system of transliteration; even if I had, the real names would not be very useful, as the Anglicized form have been officially adopted.

[2] Yá means a garden or clearing: toung = hill—so that the term implies cultivation in the hills, where indeed this form of agriculture is chiefly if not exclusively found.

the level country near the coast, the cultivation consists of rice, and there are mango gardens or orchards, as well as palm-groves here the regular Revenue-law prevails

§ 3. *Pegu.*

Beyond Arrakan, and occupying the central portion of the mainland, is the province called Pegu extending north as far as the old frontier line, and eastwards across the Pegu Yoma —the backbone, or central range of hills so as to include the valley of the Sittang on the other side of the Pegu Yoma.

The province so defined exhibits a succession of the same features. Descending from the slopes of the Arrakan Yoma, we come to the broad valley of the Irrawaddy with its fairly populous villages and its permanent cultivation, which almost entirely consists of rice. Wheat and barley are quite unknown, and bread consequently in any form, is not an article of common consumption. This valley is again closed in by a lower central mountain range called the Pegu Yoma, where again we find shifting toungyá cultivation, and in part of it, at least, Karen tribes. This Yoma is the site of a number of valuable teak forests. Then, again, still going east, we have another valley but far narrower than the Irrawaddy valley—that of the Sittang; followed again by a wider and much higher range of hills, also full of forests and toungyá cultivation, till once more we descend into the valley of the Salween. The river here, for a part of its course, forms the outer boundary of Burma. The hills beyond, rich in teak, are in foreign territory

§ 4. *Tenasserim.*

The Tenasserim province (including the tract called Martaban to the north of the Amherst district) is a long narrow strip of country forming an appendage to the south-east of the Burmese mainland, as Arrakan forms a similar projection to the north west. Extending along the coast line as far as Mergui, and including the group of islands known as the Mergui Archipelago it overlooks the Bay of

viz. the Sittang valley extending as far north as the then frontier district of Tounghoo and down to the coast districts of Amherst, Tavoy and Mergui. Now there are four divisions (see the Table in Vol. I. Chap. II) The Arrakan division includes the same districts as before (the Hill Tracts, Kyoukphyû, Sandoway and Akyáb) The districts west of the Irrawaddy river (Bassein, Thoungwá Henzadá, and Thayetmyo) form the Commissionership of Irrawaddy those to the east (Prome Tharrawady Hanthawaddy Rangoon, and Pegu) are under the Commissioner of Pegu. The Tenasserim Commissionership still includes Toungoo and Shwegyín as well as the coast districts to the South East.

§ 6 *The System of Revenue Administration.*

The notification of 31st January 1862 which united the Provinces of Lower Burma into one Chief Commissioner ship, states that they are all non regulation provinces, and that their revenue system is in principle essentially the same. It is founded on the system which prevailed under the Burma Government, and the modifications adopted in each province from time to time since it came under British rule, are due less to any variety in the conditions of the three provinces[1] than to the differing views of the authorities by whom they have been successively administered.

§ 7 *The Land Revenue Act*

The Land Law of Lower Burma is Act II of 1876 and the rules made under it[2]

The Hill District of Arrakan is not under the Act[3]

seen n terraces near Prome, fringing the banks of the Irrawaddy (*Heathers eddy S. R.* p. 23 (188 -8e), *Bassein Report*, 879-80, p a.)

[1] i.e., ( ) Arrakan, ( ) Pegu, (3) the Martaban and Tenasserim Provinces taken as one as they were (and are still), under one Commissioner

[2] The Act was declared to come into force on 1st February 879, by a notification in the *British Burma Gazette* of that date. For the Rules, see Notification No. 23, dated 22nd April, 886, nd subsequent slight amendments.

[3] The Arrakan hills are entirely governed by Regulations VIII of 874 (amended by V of 1876) and IX of 1874, issued under the 33 Vict., Cap. 3. One of these provides for the administration of civil justice; the others called the District Laws Regulation, declares

and the Karen hills sub-division of the Tounghoo district has been also exempted by notification[1]

what Acts, &c., are in force, and disposes of the subject of land revenue in two sections. The revenue system is therefore easily explained. Measured land in the plains (rice, garden, and palm grove) pays a rate from one rupee down to eight annas an acre, according to the Deputy per Commissioner's assessment; toungya pays one rupee per *family*; one rupee is also levied per family on all who have paid either tribute or capitation tax, and the latter is abolished accordingly

[1] No. 11, dated 1st February 1879.

CHAPTER II

THE LAND-TENURES.

§ 1 *General Idea of Right in Land.*

It will be most convenient to reverse the order in which I have hitherto described the revenue system of the provinces, and to describe first, the way in which land is held. This subject is dealt with first in the Act, so that I am following the legal order In pursuing this study we shall find no direct parallel to the case of land tenures in India[1]

It is probable that in Burma the popular feeling or custom regarding proprietary right, as is so commonly the case in jungle countries, is connected with the fact of first clearance and subsequent occupation. The labour of clearing the fertile but densely overgrown land is so great, that the undertaking of the task fixes in the popular mind the feeling that permanent possession of the land is its natural result. At first, no doubt, when the several tribes of the Burmese and Talaing nations had settled in the Irrawaddy Valley they lived in a state of society very similar to that still shown by the hill tribes. Cultivation was begun by the clearance of the forest by burning But with settlements on the level alluvium of the great valleys there is this important difference the land once prepared, the continuous cultivation of rice is possible, and therefore there is no occasion to abandon the spot after a crop has been taken

[1] I am indebted to Mr G D Burgess for pamphlet by General Sir A. Phayre (Rangoon, 1865, now scarce and out f print) called A few Words on the Tenure and Distribution of Landed Property in Burma, and a Minute by the same author on the Land Assessment recommended for the Province of Pegu, dated June, 1858.

off and seek a new clearance, as is the case with the toungyá cultivation to be described presently The hand hoe used in the hill clearings necessarily gave way to the peculiar method of ploughing and working up the mud, required for rice cultivation and permanent fields were thus established. The right which custom recognized in the man who first cleared the jungle was naturally further strengthened when he continued to cultivate the same field. Among the tribes (Karens and others) who still practise shifting cultivation in the hills, the idea of right to the land is confined to the field as long as it lasts. But in some parts at least, there is a system practised by Karen tribes under which the roving cultivation is restricted to a limited and well known tract of country here probably there was always some general but indefinite feeling of tribal property in the particular area occupied[1] It is portioned out according to established custom, the plots cultivated by toungyá, being cut and cleared in a known customary rotation.

It can hardly be doubted that the idea of proprietary right in land has long existed in Burma, and it is dependent on the fact of clearing the jungle.

The right of the sovereign to a tithe of the produce, is *also recognized. General Phayre informs us, on the* authority of the *Dhammathát* or laws of Manu (a work which has nothing to do with the Hindu Institutes of Manu), that the people originally agreed to confer on their elected king a share of the produce. So that in Burma the Government revenue is dependent on the same principle as in India, namely that the king has a right to a share in the produce of all cultivated land[2]

[1] And though the law in general does not recognize any right in the land to be acquired by toungyá cutti g, still the Rules (61 76) enable allotme t to be made in such cases.

[2] But the king, who is master must bide by the ten laws for the guidance of kin s, and although property which has an owner i called the property of the king, yet be ha no right to tak all. Rice fields, plantations, canals, whatever i made (or produced) by men he has a right in. (Quoted by General Sir A. Phayre from the 6th book of the Code)

§ 2 *The Burmese Village.*

The villages consist of groups of independent holdings and are called kwin [1]

The kwin has been, as we shall see presently adopted as the unit of revenue assessment.

The land holdings in a kwin may indeed be connected in some way because the Burmese law of inheritance gives rise (like that of India) to a joint succession. Not only the sons, but the widow and daughters are entitled to shares and thus holdings become grouped. Besides this, persons undertaking agricultural clearings mutually settle together in more or less connected groups, being often bound by relationship or associating together for mutual protection and society it is said that in many places the feeling of the Burmese village is decidedly clannish [2] But the natural circumstances of relationship and cosharing are the only bond. In Lower Burma there is no joint liability for the revenue as in villages in Upper India [3]

In jointly-owned lands, actual division often does not take place for some years after the death of the common ancestor In some cases one of the shareholders buys out the interest of the rest in others the undivided holding is worked in turns by the different members of the joint family or one of them works the whole for a series of years, paying rent to the other co-sharers. The number of

[1] Sometimes written Kweng or queng. I am informed that the word literally means a plain or level place showing the idea of permanent occupation in the plain, as distinct from the temporary use of hill land. Inhabited tracts, says Sir A. Phayre were found to contain natural or well marked divisions of country recognized by the inhabitants generally having distinctive names, and called by them "kwin. These tracts were generally of convenient size, bounded by streams or other general objects, and sufficiently homogeneous in their soils to be fit and convenient "ring-fences" within which a separate rate of rent or tax might be taken.

[2] For some curious customs regarding the position of fields, and the dislike to having a field between two owned by close relations, or one surrounded by another holding, and so forth, see the *Bassein S. R.*, 1880–81, p. 5.

[3] In some parts the attempt was made to introduce a lump assessment for a whole village or group of holdings, with a common responsibility for the whole; but the attempt failed and was abandoned. (Directions for Settlement Officers, Burma, p. 1. Revised Edition of 1885).

holdings jointly enjoyed is, however comparatively small, and after four or five years division usually takes place or the sharers sell to one of their number

It is the common practice amongst cultivators to dispose of their property before death, the landed property being given between one or more children according to its area, and the moveable estate being divided among the others.

There is a feeling in Burma against the permanent alienation of land and mortgages, though worded so as to imply that redemption is not to be claimed, have been, even after many years, redeemed and given back to the original family

§ 3 *Tenants.*

The landholding classes do not always cultivate the land themselves the idea of renting land is familiar since Burmese times. Ten per cent. of the produce *plus* the Government revenue was the customary rate. The produce was divided on the threshing-floor The tenant thus got paid according to the actual crop, and obtained relief when it was diminished by flood or other accident. The system is still common in the poorer or more remote parts but near large towns, where the soil is rich and cultivation well developed, a rent is fixed in advance and has to be paid whether there is a full crop or not. Such a rent will represent one-tenth, or in some cases one-fourth or one-fifth of the produce. Rent is also commonly paid in money or is arranged so that the tenant pays a proportion (equalling the Government land revenue) in money and the rest in kind.

§ 4. *No Tribal Allotments.*

In these customs of landholding at least in the plains where permanent rice cultivation is practised, we do not observe anything like village colonization and settlement by families of a tribe or the allotment of the whole area in certain shares to that tribe such as we have seen in parts of India.

§ 5 *Modern Origin of most Tenures.*

Title to land originating as I described in mere occupancy by clearing and then descending by inheritance or transfer the origin of most holdings is recent and very simple. In our own times a great deal of land has been simply occupied. A lease or a grant may have been given, allowing the land to be held revenue-free for a term of years to encourage and help the settler or it may have been held on yearly tenure, or by some verbal permission of the local revenue official. Still more land has been cleared and ploughed up without any formal permission from any one. In any case, the holding only extended to what was actually granted or occupied.

§ 6 *The Right to Waste Land.*

There is always a tendency in Oriental countries, when a Government is established by conquest, for the Ruler to claim the ownership of the soil generally. This, however is a sort of supremacy which does not ordinarily override the customary right of those who have occupied definite tracts—especially those permanently cultivated hence the State right in the soil takes practical effect chiefly as regards the waste or unoccupied land. Indeed the State ownership of the unoccupied waste, and the right of the Ruler to make grants, or otherwise to reserve it for special uses, has never been questioned.

Instances are, indeed not wanting where the king has violently taken possession of occupied land but such an act is looked upon as an arbitrary exercise of power and the extract from the Buddhist law already quoted in a note shows this to be the case in Burma.[1]

The waste, though belonging to the State was very little cared for. The modern uses—such as creating State forests or granting estates for tea and cinchona plantation, were

[1] See Directions to Settlement Officers, § 42: Under the Native Government the Sovereign was regarded as the proprietor of the land, and General Phayre states (Minute p. 7) that the "right of subjects t land is always subordinate to the reservation of Government right.

unknown. It seems to have been recognized that anybody might take possession of a piece of waste adjoining his holding and clear it, and so acquire the customary title,—and the king was probably only too glad to see this done, since his right to a revenue from the land then arose. But side by side with this practice remained the right of the king to make gifts out of the waste and of his officers to make special allotments of it. This appears clearly from the fact that of the seven ways of acquiring land recognized by Burmese jurisprudence, 'allotments by Government officers and gifts by the king' are two[1]

§ 7 *Modern Definition of Right in Land*

When population increased and the settled order of British rule began it became necessary first, to define the right of a landholder as regards occupied land and, next, to assert the absence of any private right (which meant that the Government alone had the power of disposal) in the unoccupied or waste land.

The Land Act of Burma (Act II of *1876*) deals with both these subjects.

The landholder's right is only recognized in permanently occupied land. Where toungyá cutters are still found to practise their destructive method of shifting cultivation in the hill ranges, it is only on sufferance they have no recognized right, and the practice is regulated by rules under the Act, and will be dealt with more in detail presently

§ 8 *The Land Act.*

The right recognized by law refers, then, only to land permanently occupied. It may be regretted that the Act was not made more simple, as it undoubtedly might have been. As it stands, it is somewhat over technical and has made use of phraseology which must in most cases be un

[1] The other five are—inheritance, gift, purchase, clearing the virgin forest, and ten years unchallenged (as we should say adverse?) possession, while the former owner knew the possessor was working the land (Minute, p. 7

intelligible to the Burmese mind though possibly by this time the nature of the landholder's right —when it is acquired, and when it is not—has become practically understood[1] I shall endeavour to state in plain language the main features of the Act where it defines the tenure of land and points of detail may be followed out by a study of the Act itself when its general purport has been apprehended.

§ 9. *General Status of the Land*

The Act does not state, but it clearly implies (and the fact is quite beyond dispute) that at the present day all land in Burma is the property of, or at any rate at the unfettered disposal of the State, *unless* some private person has acquired a specific right to it, i.e. some kind of right recognized and defined by the Act.

§ 10 *Right in Occupied Land.*

The second part of the Act— Of rights over land —describes how such a right can be acquired. This part applies to all lands *except* those mentioned in section 4. The exceptions are lands which obviously do not require to be dealt with. They include land which has already by law been declared a forest estate land dealt with under the Fisheries Act[2]; the land occupied by public roads, canals, drains or embankments; the land included in the limits of any town the land actually occupied by dwelling places in towns or villages; lands within the limits of civil and military stations and lands belonging (according to the custom of the

[1] I allow the remarks to stand as I wrote them: but th Director of Agriculture and Land Records remarked on them: that the theory was not at all understood, but that the fact of a few years possession was practically sufficient. A person who has had such possession, whatever his theoretical disabilities, pays no higher revenue than any one else, he can sell or mortgage: and if his land is taken by the Department of Public Works for any purpose he will probably get as full compensation as if he were a regular "landholder

[2] No one who has been in Burma even for a few days needs to be reminded how important is the fishery-right in a country which is intersected by rivers, streams, and creeks, where the population universally consume fish, especially in the form of salted and fermented fish—the well-known *ngapi* of Burma. The allotment of areas f fishery sites is provided in Act X of 1875.

country) to religious institutions and to schools. All these are naturally excluded from being interfered with and the proprietary right in them vests in the State, the owners, or in the institution as the case may be, without need for any new declaration or provision of law

But *all other* land can only be subject—

(1) to rights created by grant or lease of the British Government

(2) to rights or easements acquired by prescription

(3) to rights created or originating in the modes prescribed by the Act.

The last named are rights over land which are practically proprietary though they are called in the Act rights of a landholder

Of course any right *lawfully derived from* one of the three rights holds good also. If it is lawful to sell or otherwise transfer the right, or if by inheritance a man succeeds to it, the right holds good to him as it did to the person from whom it was lawfully acquired.

To sum up this shortly it means that, generally speaking, as regards private rights, the land to which Part II applies is *primd facie* subject to no rights of private persons but the law is prepared to recognize (1) all rights which the Government has given by lease or grant (2) rights, not being rights of ownership, but often necessary to the enjoyment of property such as rights of way use of water right of lateral support, and so forth and (3), all rights of landholders, a term to which the law attaches a special meaning of which hereafter and all rights derived legally from these, e.g by transfer or succession.

I may take the opportunity of mentioning that lands are found in the proprietary possession of monasteries (púngyí kyoung) or institutions of the kind. For the Burmese religionist to build a pagoda, or a theing (chapel) or a zayatt (rest-house) or give land to priests or monasteries, is a duty or work of merit for all who can afford it. The holder of monastery land is then not only a donee from the original landholder but a kind of trustee. The

endowment is indicated by certain terms (puggaliká, ganiká sangiká, &c.) according as it is to an individual holy man or a body or is a life gift, or in perpetuity[1]

§ 11 *Examination of the Rights recognized —Right by Grant or Lease.*

Let us proceed to notice more in detail those rights which are thus recognized.

The first needs but little remark. If a lease or a grant of land has been issued, it of course gives rise to a right exactly such as the terms of the document declare.

§ 12 *Rights to Surface Products and to Easements.*

The second has given rise to some discussion the right was declared to be such a right as is described in sections 27 and 28 of the Limitation Act (IX of 1871) then in force.

These sections only contemplated such rights as are called in English law easements, and these include rights of way rights to use of water in streams flowing through the land rights to use water in springs, pools, or tanks rights to receive or not to receive drainage water off a neighbour s land, to have a passage for irrigation water across his land right to lateral support of the soil, and so forth But nothing else was included. These rights, whether called by the term easements or not, and whether subject to technical rules or not, are natural rights, and often absolutely necessary to the enjoyment of a man s property A man must have a way to get to his land, and be able to prevent a neighbour blocking up a stream which runs through both lands he may also require the soil to be maintained as it is, and that his neighbour should not excavate his land so as to make a neighbouring wall or building fall down. But the Burma Act section is limited to these rights, and no such thing as a *right* to graze, to gather fruits, or get firewood or timber was recognized *by the Act*

But when the sections quoted from the Limitation Act of

[1] See *Burma S. R.*, for 1879 80, p. 10

1871 were superseded by the present Limitation Act (XV of 1877) the term easement was extended to include rights to the produce of the soil—or to use the words of the Act, to include the right to appropriate any part of the soil belonging to another or anything growing on it, attached to it, or subsisting on it.

Consequently it is only since 1877 that a right to these products can have arisen. And it takes twenty years adverse enjoyment for any such right to ripen into a prescriptive right, consequently no such rights can yet have grown up[1] As regards land destined to be brought under the plough this is of no great importance but it had a serious bearing on forest rights. As the question which might be raised in connection with such rights has since been set at rest by section 4 of the Burma Forest Act (XIX of 1881) it is unnecessary to pursue the subject here.

§ 13 *The Landholder's Right.*

But what is the third or landholder's right? Practically a proprietary right. If a person (not holding under a grant or order of Government which itself determines the extent of right) has continuously held *possession* of any culturable land[2] for twelve years, and has continuously paid the revenue due thereon, or held it exempt from revenue, by express grant, he is allowed to have acquired a permanent, heritable, and transferable title It will not, however do for a man to be able to assert former or ancient

[1] There have however been *judicial decisions in India*, to the effect that section 26 of the Limitation Act is not exhaustive and does not imply that rights of user cannot be acquired in any other way How far these decisions would affect a claim to rights under the Burma Act of 876, I am not prepared to say

[2] Possession is laborately defined by section 3. Possession may be by actual occupation by the person himself or his agent, servant, tenant, or mortgagee; or there has been no such actual occupation, but still there may be constructive possession, viz., that the person or his agent, &c., paid the last preceding year's revenue; or if the land is now lying fallow in the ordinary course of agriculture, that it was last cultivated by the person and his agent, &c. These last grounds will not argue possession if the land is actually occupied by some one else, nor if the land has been relinquished by notice; a man might be out of possession, and yet try and oust an existing occupier on the ground that he paid the last revenue.

possession if that possession was intermitted and came to an end twelve years before the Act came into force (1st February 1879). Possession, on the other hand, is not broken by a succession or transfer If A has held for seven years and then sells to B, who has held for five B can put in a twelve years possession. So if B has inherited from A. In the same way as regards the condition of paying the revenue. The payment will hold good if it has been made by a tenant or other person holding under the person in possession

A person who is legally a landholder if he happened to be out of possession when the Act came into force might, within a limit fixed by section 9 recover possession and so if he was in possession when the Act came into force, and then voluntarily abandoned the land, he could get it back within three years. After the limit passed in either case, the right became extinguished After 1st February 1882[1] no one will be able to abandon his land voluntarily *for a time* (though he may do so *finally* if he likes)—unless he applies (under section 12) to the Revenue-officer to take over his land on special conditions

The landholder's right is not *called* proprietary because it is restricted, not only by the duty of paying revenue, taxes, and cesses (which is the case with all property in land in India), but also by the fact that all mines and mineral products and buried treasure are reserved to Government, as also the right to work or search for those products on paying compensation for the surface damage.

§ 14. *Relinquishment of Land.*

The section 12 above alluded to is quite peculiar to Burma, and marks the relation of the Burma system to the formal raiyatwárí. Under the latter a man can always throw up any holding that he pleases but he does so finally[2] In Burma a man can permanently relinquish or

[1] i.e. after three years from the Act coming into force (section)

[2] Unless the land happens to remain unoccupied, in which case he can apply for it again but that is a matter of chance. Neither in

he can temporarily relinquish. The procedure for temporary relinquishment consists in making an application to the revenue-officer and publishing a notice. When the original holder desires to return (which must be within twelve years), a new notice has to be published, and he can only re-enter at a convenient season as regards the crop and on condition of paying for any improvements that may have been made. I am not aware why this provision was inserted, as I am told that it is practically a dead letter Such applications are very rarely made.

§ 15. *Declaration of Title*

Any landholder can obtain an authoritative declaration that he is such, by applying to have his right recorded in a register provided for the purpose and getting a certificate of the record. There are provisions in the Act regarding the cancelment and calling in question of such record.

§ 16 *Disposal of Land by Government*

Such being the recognised rights in land, the Chief Commissioner has power to make rules for the disposal of all lands to which this second part of the Act applies, and which are not either already the subject of a grant or lease and which do not belong to landholders [1] The existence of easements does not, of course, prevent the land itself being granted, or leased, or disposed of subject to such existing rights.

The rules for the disposal of lands are found in the Revenue Rules, published in the *Gazette* and by Notification No. 151 dated 4th Sept. 1890 (on the authority of section 61 of the Act). I do not propose to describe them in detail. No land that is or is likely to be wanted for any State purpose (e.g land which the Forest Department

Bombay nor Madras has the relinquisher any lien on the land, nor any power of conditional abandonment.

[1] These rules deal with permanent disposal or temporary use, but have no reference to toungya cutters these are dealt with by special rules.

would desire to preserve as State forest) is to be disposed Rule
of, except by lease from year to year and land within a radius of two miles from any town requires a special sanction for its disposal. The rules then contemplate (1) the Rule
grant of the status of landholder [1] (2) the grant of leases which are not ordinarily to exceed thirty years. They comprise (i) ordinary rules for the disposal of available land, with provision regarding the temporary exemption Rules 2.
from land revenue of lands leased or granted and the recovery of arrears of rent, or other dues (including penalties) (ii) special rules regarding the grant of blocks (not Rules 13 21.
exceeding 1200 acres) for planting tea, coffee, *cinchona* or spices in Tavoy [2] (iii) special rules for grant of land for Rules 1 28.
religious purposes.

Grants and leases require the orders of different grades Rules 29 33.
of revenue-officers according to their extent and the purpose for which the land is to be put. Thus the Thúgyí (Native revenue-officer of a circle) can make a grant or lease of five acres for cultivation or of half an acre to make a tank a Deputy Commissioner can make such a grant or lease up to fifty acres. Leases may also be granted for brick making ground and salt-pans, but only by Deputy Commissioners or officers in charge of sub-divisions. Leases or grants, in short can only be made for the purposes noted below [3] There are conditions that the grantee or See Ru. 34 5.
lessee must be over eighteen years of age that a certain portion of the land must be brought under cultivation (if granted or leased for that purpose) in a certain time. The right to minerals is reserved to the Government. Teak trees are also reserved and any transfer of land or mortgage or partition must be reported to the Deputy Commissioner under penalty in case of neglect.

The grantee will have all right of landholder but on conditions and subject to all limitations, that the Rules require

Here as elsewhere the rules distinguish between smaller grants (or leases) for ordinary cultivators, and undertakings by Companies or capitalists for commercial cultivation on the larger scale.

Grant or lease	cultivation.
	tank.
	burial-ground.
Leases only	brick-making.
	salt making.

All grants exceeding fifty acres have to be sanctioned by the Financial Commissioner The procedure in applying for and making grants the disposal of objections, the form of deed and other such particulars, must be learnt from the rules themselves.

§ 17 *Exemptions from Revenue.*

There are the usual exemptions from revenue for various periods in the case of grants or leases for garden land and for fruit-tree or palm groves, according to the time which different fruit-trees require before they yield a return and in the case of land which will have to be cleared, according to the labour involved in clearing, and any special difficulties which attend reclamation

This exemption is necessary to encourage settlers, as it is obvious that during the first few years there is little but outlay and expense, and the grantee may not have the means of paying the land revenue till he reaps the first fruits of his labour

§ 18 *Temporary Occupation of Land.*

Where it is not desirable or possible to make either grants or long leases, *temporary or yearly licenses* (renewable at the end of the year) can be given out under the Act, and the Rules made under it. No one acquires any right beyond the year

Act II of 1876, sec. 59, Rule 58.

A penalty is attached to the unlicensed occupation of waste for *cultivation* in the shape of payment of an average rate which may equal the highest rate for similar land in the circle, and liability to eviction but this is a very small penalty and in fact, is rarely exacted. A large amount of land is taken up every year for cultivation without license.

The temporary occupation of land for any *other purpose* than cultivation, without a license is also specifically forbidden and the penalty may be *double* the highest rate just mentioned, as well as summary eviction; but this also is (at present at any rate) rarely enforced.

R. 1e 59

§ 19 *Grazing Allotments.*

Section 20 of the Act contains a useful provision which somewhat resembles the rules in Berár and Bombay. If it is considered that existing villages would be hard pressed by disposing of all the land under sections 18 or 19 of the Act, the Deputy Commissioner can allot suitable tracts to be kept (as still Government land) and used for village grazing. Notice of the intention to make such an allotment is given the land is demarcated, and notified as about to be allotted for grazing: thenceforth it cannot be devoted to any other purpose and a penalty for cutting trees (or grass during certain months) is imposed. When a Settlement is in progress, the Settlement Officer will indicate places which he thinks should be kept for grazing grounds, under these provisions. Rule 76-78

The Commissioner's sanction is required before a grazing allotment can be turned to any other use.

§ 20. *Toungyá cultivation.*

I have already remarked that permission to carry on toungyá cultivation is not treated as a question of leasing or disposing of land, and it is not therefore within the scope of the rules under section 18. It is to be dealt with by separate rules made under section 21 of the Act.[1] Act I 876, s1.

In many cases it is absolutely impossible to ignore the practice of such cultivation but it is wisely left to Government to determine by rule, what right, if any shall be recognised, and how the cultivation is to be carried on. It will be desirable, therefore to make some remarks on this system of toungyá cultivation.

§ 21 *No Right is Acquired.*

The important feature to be remembered is that the practice of toungyá cultivation is not held to give rise to any right whatever unless, indeed some right is expressly

[1] See Rules §§ 60 to 64; and for the Karen hills sub-division of the Tounghoo District, Nos. 65 to 76.

conceded by the rules made under the Act on the subject. For ordinary toungyá cultivation shifts from place to place, so that no right in the soil grows up in the soil by occupation. Moreover as the forest is burnt and destroyed, it is more than questionable, as a general principle of law whether any *right* could exist[1]

Act II of 876, secs. 7 sq.

§ 22 *Nature of Toungyá Cultivation.*

As before remarked, it is the original clearing of the land that, in the Burmese idea, gives rise to a proprietary right, but that clearing should be followed by continuous occupation. Now in the hilly tracts of all the mountain ranges, it is rarely that land once cleared is permanently occupied it is sometimes the case, as will presently be noted. Speaking generally the process is everywhere much the same. The smaller trees, bamboos, and underwood are cut in the dry season and heaped together the larger trees are ringed or girdled and so left to die standing At the end of the hot season and just before the rain falls (end of April and first half of May) the dry material is set on fire. The ashes mixed with the seed of the hill rice, cotton, or other crop to be raised, are dibbled into the ground, and the rain, soon falling, enables a fair crop to be raised—with the aid only of repeated weeding

Everything depends on the rain water so that it is essential that the toungyá should not be on too steep a slope otherwise the drainage would be too rapid and the seed and soil carried away together

When the crop has been gathered, the site is abandoned for another which in its turn is treated in the same fashion. It entirely depends on the restriction which circumstances place on the migratory movement of the families or tribes, whether the land once cleared, is again returned to after a long or short period. It is so returned to as a rule, but the period may vary

[1] And see sec. 1 of the Forest Act, XIX of 881. Because it is held that no right to do an act of mischief or injury can be acquired by prescription. A man could not acquire a right to clip the Queen's coin however long he had practised it.

The chief factor is the greater or less density of the population in comparison to the area available. If there is abundant space, the same land may not be returned to for twenty thirty or forty years but when the area is limited, as in the Prome hills, the rotation is much shorter and then the jungle that is restored is poorer in character

In these cases the mischief done is very great, and regulation is essential otherwise the hills would become absolutely barren. But that is not the only reason, for ordinarily where toungyá fields are numerous, no effort is made to *prevent the fire, which is kindled in order to burn the refuse* from spreading far and wide over the adjoining forest.

While, however Government is in theory free to put a stop to this cultivation altogether it is at the same time bound to exercise a wise discretion in the matter and therefore the practice has not been suddenly stopped. In certain localities toungyá is still the only method of cultivation possible and some of the Karen tribes are as yet not sufficiently advanced to do without it nor can it do much harm in places where dry jungle is still superabundant, and there is neither local demand for nor means of exporting timber

In the end, no doubt, what with the increase of population and the growth of a demand for forest produce the practice will gradually cease as it has done elsewhere. And it is always an object to facilitate this result, by offering every encouragement to tribes to settle down, first, to certain definite limits for their yá cutting, and in time, to permanent cultivation.

§ 23 *Demarcation of Toungyá Grounds.*

In a great many places the selection of State Forests has been made on the hill ranges where toungyá cultivation is practised. In these cases it has been the practice to demarcate certain areas for toungyá cultivation within the forest. As long as it is possible by fire-tracing i.e. keeping belts clear of vegetation, to avoid the spread of fire from these grounds to the forest the existence of such

areas is no great disadvantage while the presence of the Karens themselves, who follow this method of agriculture, is a positive advantage to the forests.

§ 24. *Custom of Toungyá in the hills between the Sittang and the Salween (Karen hill Sub-division of Tounghoo district)*

It has been stated that no *right* to toungyá is acknowledged except so far as the rules confer it. And, a right, or something very like it, including a transfer of lands within the tribe but not to outsiders is recognised in the case of certain Karen tribal settlements in which this method of cultivation has been reduced to a system. This curious and interesting custom was first noticed and described by Mr (now Sir D) Brandis late Inspector-General of Forests to the Government of India. The interesting point in this tenure is that here we have a custom of toungyá cultivation which is confined to certain limits, which is based upon a permanent occupation of a definite area, although the people recognise that the State is still the ultimate proprietor of the soil. I shall give a description of this tenure in Sir D Brandis own words —

In certain districts on the hills between the Sittang and Salween rivers the population which subsists on toungyá cultivation is so dense that they are obliged to cut their toungyás on a short rotation, returning to the same place of ground after a period of from three to seven years. As an instance, I may mention the hills on both sides of the Myit ngán stream, a southern tributary of the Thouk yé-gát river. These hills are inhabited by Karens, who live in large villages. The boundaries of each village are most distinctly defined and jealously guarded against encroachment. Twenty two years ago I had known these hills well and when I visited them again in February 1880 I found the same system of cultivation and the same old customs regarding village boundaries and the occupancy of land.

These Karens have two classes of cultivation. Along the valleys and ravines are extensive gardens of betel-palms, with oranges and other fruit trees, carefully irrigated and admirably

kept. These gardens are strictly private property they are sold and bought, and on the death of the proprietor they are divided in equal shares among his children. Ascending the dry and sunny hill-sides from these cool and shady valleys—with their streams of clear water the golden oranges half hid by the dark-green foliage, overtopped by dense forests of tall and graceful palms, from the tops of which hang down rich yellow bunches of betel-nuts—a picture altogether different presents itself.

The slopes are clothed with a vast extent of dry jungle, of grass, brush wood, young trees, and bamboos, all young, but of different ages. Old forest with large trees is only found on the crests of the ridges and lower down on steep rocky ground, where no toungyás are cut, and no crops can be grown. Out side these groups and belts of old growth, the forest over extensive areas consists of nothing but dense masses of bam boos and where these prevail, toungyás may be cut and a good crop reaped once in seven years. In other places there is no bamboo, but only shrubs and tall grasses. This kind of growth is most commonly found where land is scarce, and the rotation is consequently short—from three to five years only In such places a number of old, stunted, and gnarled trees are left standing on the ground, which are pollarded whenever a toungyá is cut. The branches and leaves are spread over the ground and burnt. In such places the people are most thank ful if an abundant crop of tall reed (*Arundo* sp.) grows up, as the stalks of this grass yield a good supply of ashes. The whole of this forest is most carefully protected from fire. In these hills, if any one sets fire to the forest through carelessness or mischief, the villagers claim and enforce the payment of heavy damages. If this were not done, the forest would not grow up thick enough to furnish sufficient ashes for the crop

Another feature is, that the whole of the toungyá grounds of one village are divided into a large number of plots, each plot being owned by one of the proprietors of the village. Well-to-do people own from twenty to thirty plots situated in different parts of the village area. The boundaries of these plots are marked by trees, by stones, and sometimes by shallow furrows drawn along the slope. These plots are sold and bought, just as the plots of the betel palm gardens and when a proprietor dies, his toungya grounds, like his gardens, are divided in equal shares among his children. I have here

spoken of the people as the proprietors of their toungyá grounds. They claim, however only a kind of imperfect proprietary right. They hold these plots as against each other but they recognize that the State has a superior right in the land.

In the dry season, when the time for cutting the toungyá approaches, the headman of the village, after consulting the chief proprietors, determines the areas on which the forest is sufficiently advanced and on which the toungyás of the year are to be cut. The area selected for the toungyás of the year is not all in one block, but a village generally cuts four or five blocks a year each belonging to a number of proprietors. It may thus happen that a proprietor owns no plot of toungyá land in the blocks selected during any one year for cutting and burning. If so he makes an arrangement with other proprietors, and rents some of their plots for the year the rent being generally paid in kind. There are also persons who, in consequence of the increase in the population, have become poor and own only a small number of plots. Many of them, if they cannot earn the means of subsistence in their own village, emigrate and settle in the plains, where they take to the cultivation of permanent fields.

All persons who have shares in the block selected for the year join in the cutting and burning; and the greatest care is taken to prevent the fire spreading into the adjoining forest. The only crop which is grown is rice. Cotton, which is an important crop on the hills of the Pegu Yoma, yields a poor return here, and is not much cultivated. The sites of villages in these hills are not absolutely permanent they are shifted now and then, but never to any great distance. The larger villages, which have extensive areas, often consist of several separate hamlets.

A similar state of things to that here described is found in other parts of the hills which separate the valleys of the Sittang and Salween rivers, where the population is dense and the area available for toungyá cultivation is limited. But throughout these hills all possible gradations may be observed between the system now described and the migratory system which prevails on the Pegu Yoma and in other parts of Burma.

CHAPTER III.

THE LAND-REVENUE SETTLEMENT

§ 1 *Revenue History*

THE revenue history of Burma is brief and simple. Under the Native rule, as under ours, there were two kinds of cultivation to be dealt with—the permanent cultivation which is nearly all rice[1] and the orchards, palm groves, and gardens which everywhere diversify the country the shifting cultivation or toungyá may be perhaps added as a third class. The latter is necessarily excluded from anything like a Settlement. The area of it is always altering, and cannot, therefore, be the subject of any field survey or record. A tax was usually imposed on the family cutting the yá or on the number of dáhs or knives used in clearing (which means that a fee is payable by every member of the family able to wield the dáh). At the present day toungyá cultivation is similarly dealt with. There is no land revenue levied but every male person of 18 years of age and upwards in each family which practises this cultivation, has to pay an annual tax. Act 87 33.

Permanent cultivation in the plains (and elsewhere, where it has been established) need alone engage our attention.

I have already said that the State was entitled according to ancient Burman law to a share in the produce of land. The *Burman Government levied what is called a* rice-land

[1] In undulating country near the laterite ridges, &c., where the soil is drier or better drained, and on the islands and sandbanks of the Irrawaddy miscellaneous spring crops, known as kaing crops, are raised to a limited extent.

places of any town or village, *and* exempted by order of the Chief Commissioner nor to land belonging to the site of a monastery pagoda, or sacred building or school (so long as it is used for these purposes). It may happen also that land on which no rights can be acquired may yet be liable to assessment. For instance, if in the dry season cultivation is undertaken within the limits of a fishery or by encroachment on the side of a road, the area will be made to pay revenue, though no right to the land is acquired.

Act II of 1876, sec. 24. Rules, Chap. XIII. Rule 87

Section 24 of the Act gives power to the Chief Commissioner to make rules regarding the rates per acre or the rates per tree growing on land, which are the forms in which assessment is recognized by the Act. It is by rule under this section, that the Government makes provision for lands being left fallow or uncultivated in the course of agriculture, by assessing them at the rate of only two annas an acre (subject to the exception stated in Rule 87).

§ 3 *The Right to a Settlement.*

The Act does not contemplate that in all cases a Settlement of the assessment, imposed according to sanctioned rates, should be made for a number of years. It supposes that the rates may be altered every year or otherwise according to circumstances but it gives persons in possession of culturable land the option of asking for a Settlement. The person having a permanent right of occupancy has a right to such a Settlement any one else can only get it at the option of the Settlement Officer A Settlement

Act II of 1876, secs. 25 6.

being granted, the rates cannot be changed during the currency of the term

Sec. 29.

A settlement-holder can, by giving proper notice resign his Settlement

These provisions were more required in the first days of our rule, when plots of cultivated land were often scattered uncertain, and at wide distances apart; and when it was only in certain places that connected groups of cultivated land with large or permanent villages were to be found

and annual assessment may still be the rule in cases where cultivation is scattered, and where the country is not sufficiently advanced to warrant the introduction of the regular Settlement.

Pursuant to the provisions of this law notifications are issued in the *Gazette* (and will be found bound up with the Settlement Reports) declaring that for such and such circles and *kwins*, certain rates are to be the full or maximum rates for a period of years—usually not more than fifteen.

§ 4. *Modern Practice of Settlement.*

There is now a regular Settlement Department and a Survey Department each works separately In all districts or parts of districts sufficiently advanced to be placed under Settlement, an accurate cadastral survey is being made, with a record-of rights. The following is a brief description of the procedure of a regular Settlement.

The objects of the Settlement are declared in the Directions to be—

(1) The complete survey of all lands

(2) Registration of all cultivators of land, with specification of their various interests under the law

(3) An equitable assessment of the land revenue on sound principles and on a uniform system

(4) Punctual registration of all transfers and of all changes in the occupation and use of land.

It will further appear that the Burma system though adopting its own distinctive rules of practice, is virtually and in its principle raiyatwári, each holding in the *kwin* corresponding to the survey number of the raiyatwári system of Bombay and Madras, and its holder being severally responsible for his own revenue. And there is something which practically takes the place of the relinquishment privilege in the shape of special rules as to fallow and as to relinquishment with right to recover which will appear further on.

§ 5. *Demarcation.*

The first step (as in other forms of Settlement) is to demarcate the areas that are to be dealt with.

Act V of 1880. A special Act in Burma provides for demarcation.

The chief features of the Act are that a demarcation officer puts up the marks and a boundary officer decides any question that may arise, with the aid of arbitration if the parties consent if not, by his own order subject to appeal.

The rules made under the Act give a list of the separate properties requiring demarcation such are the *kwins* waste land grants under the old rules[1] towns, canton ments, internal lots in stations, orchards, gardens, and so forth.

For some of these the boundary officer is himself the demarcation officer for others (cantonment, town, subur ban, and civil station lots and internal divisions) the cadastral survey officer is the responsible agent.

§ 6 *Estates to be demarcated permanently*

Some of the demarcation is, under the rules, only tem porary by aid of wooden posts bearing distinguishing rings of white paint the object is to indicate boundaries for survey purposes only But all kwins, waste land grants, and land reserved as State Forest, as well as *all boundary lines about which there has been a dispute*, require to be permanently demarcated. In ordinary cases this is done by sinking burnt clay drain pipes or otherwise as may be directed. Waste-land grants (those under the old rules) are demarcated by masonry pillars, because they were originally made without any accurate survey and are therefore often the subject of uncertainty as to their real limits. In many of the *Settlement Reports* I find it often noticed that grantees had encroached and claimed much more than they were really entitled to.

[1] i e. Arakan (1839-41), Pegu (1863-65) and Rules for sale of Waste Lands, 863.

Rules are made for the inspection and preservation of all marks which require to be kept up permanently

§ 7 *The Kwin.*

All the properties requiring to be demarcated and specified in Rule I of the *Rules under the Boundary Act* explain themselves, except the kwin. This, as already stated refers primarily to the local division or group of cultivated lands but the name is also applied to all separate kinds of estate, and the rules speak of the State Forests as being each a separate kwin, and they mention fishery land kwins, grant-kwins, and so forth.

A kwin of cultivated land will often be a village,—that is, it will comprise a group of fields in one place with a village site in or near it. Recognized local divisions are always maintained but subject to this, the aim is to have the kwin form a group of land of from 1200 to 1300 acres in extent, and to make use of conspicuous natural features for kwin boundaries wherever it is possible. Very often strips of uncleared jungle separate kwins, and sometimes a considerable extent of such jungle.

§ 8. *The Survey*

When the boundaries are arranged, the survey is carried out. It is a professional one and under the superintendence of an officer directly subordinate to the Surveyor General of India[1] It results not only in field maps which show the details of cultivation and occupation at the time[2] but

[1] At the same time there is necessarily close connection between the Deputy Superintendent of Cadastral Survey and the Settlement Office Each naturally is interested in the operations of the other and the interdependence of the two is highly important. See *Directions*, p. 30.

[2] The area of the country to be surveyed is first divided into great blocks or main circuits, the limits of which are generally connected with Great Trigonometrical Survey stations. These main circuits are sub-divided at minor circuits formed on the same principle The country having thus been divided into a series of larger and smaller polygons, the area of each larger polygon and the areas of it included smaller polygons, are independently calculated, and the results proved by the total area of the latter agreeing with that of the former From the smaller polygons the Surveyor next proceeds to plot skeleton plans of the kwins. These

also in topographical maps on a scale of one or two inches to the mile. These field-maps are afterwards kept up to date by the thugyees of circles, who as we shall see are bound to make additions and corrections which show newly-formed fields and new internal divisions caused by transfer, succession, and partition.

§ 9. *Tract-classification and Soil-classification.*

As under other systems, a careful inspection of the land is of the first and most continuous necessity during the progress of the Settlement. *First* tracts of country having the same general character and conditions are separated off. One, for example, will be marked out by the limits within which a railway affords an easy transport for its produce; another has no convenient market; one will embrace plain country fully cultivated; another is full of jungle or has poor and hilly soil. This latter is a frequent feature, for beyond the deep clay of the river valleys, we often come towards the foot of the hills (the Pegu-Yoma for instance) to undulating laterite ridges on which the eng tree (*Dipterocarpus tuberculatus*) grows, and the generally reddish soil, sometimes mixed with sand towards the edge of the plain, is called Eng-daing. In some places the population is abundant, and there is a surplus of produce for export; in others the country is malarious, and the little produce that is grown finds a sale to the non-agricultural population.

Secondly there is the classification of soils. Inside each tract there will be varieties of soil on the different kwins: clay that is not exhausted by ever so many years' rice-cropping; clay that needs to lie fallow after ten or twelve years; laterite and sandy soil that is easily exhausted; ridge-soil on which dry spring crops may be raised; there will be deep clay in the basin and poorer clay on land rising towards a

plans are handed over to the final surveyors, who, with plane-table and chain, fill in all the interior details and turn out a plan of the kwin showing every existing boundary, natural and artificial. (Burma Settlement Code, Chap. II. §

idge, and so forth. One or two classes will probably be found sufficient. The object is that an uniform rate should be laid upon the same kind of soil in the kwin, just as it is desired that the same soil rates should be adopted throughout the tract that has uniform general conditions[1]

The object of the first or *tract* classification is to ensure that the assessment shall be such that cultivators living

[1] Th subject of inspection and classification is treated of in Chap. V of the Directions

As an xample from real life I quote the following soil description of Thonzeh, which is part of the Tharrawaddy district, some forty or fifty miles above Rangoon (*S. R.* of 188 -8a, pp. 7 18):—

The soils vary from stiff clay which is the best, to sandy *eng-daing*," (i.e. laterite soil, where the *Dipterocarpus* tree grows) which is the worst. As regards lasting power, it appears that clayey soils last practically f r ever I have seen no instance of a good clay soil suffering from exhaustion. The cultivators in some parts of Ky p-see circle complain that owing to the richness of the soil, the crop comes up too rank for the first two years, and consequently is liable to be blown over and damaged. These people stat that rich clay attains its best state after ten years cultivation, and thereafter shows no deterioration; sandy and *eng-daing* soils, on the other hand, deteriorate rapidly After five years cultivation they will have been properly levelled and embanked, and will tl en give their best rop. But after other ten or twenty years a marked depreciation is [illegible]

Taking the country as whole there is a gre t unif rmity in soil. Though the extremes of first and second class are widely apart, there lies between, a gre t amount of land which is exceedingly difficult [to] *class, as it would form eithe a* good second o a bad first. It is [al]so very hard t draw the line between first nd second class when they gradually merge int each other and th difference between them is not very great.

There is in many cases more to be said for the old rule that land in the same kwin should bear the same rate that at first sight would appear. Kwins vary in physical features, but the typical kwin may be said to be a block of land lying between two streams. The cultivators houses are on the banks of the streams. The best land is the lowest,—namely that in the centre of the kwin; and the worst is th highest,—namely that adjacent to the streams. Such a kwin would be divided int soil classes by lines parallel t the creeks, but this division is objectionabl on three grounds—

( ) the land near the stream i close to the cultiv tor dwelling, and be ha not, lik many of those in the interior t bear the trouble and expense of a temporary hut during the ploughing season;

( ) though the land on the banks of the creek may yield a poor crop, it is very useful as a nursery;

(3) there s probably along the bank of the stream a ce tai amount f waste land on which the cultivators ha been accustomed to tether their ttle during the rains, [an]d which, being small n extent and in scattered patches, cannot be conveniently taken up as a grazing ground, but which may *nevertheless, be very usef l*

the lower rate on the banks of the stream is a direct inducement to the cultivator to extend his holding so a t include this land.

In the *Bassein Settlement Report* of 1879–80[1] there is an interesting calculation of the cost of clothes food, &c., which gives a good idea of the Burmese cultivator's style of living—as far as the necessaries of life are concerned Then the cost of cultivation includes the purchase of cattle, and as the cattle last for a certain number of years, the cost for one year is the whole price divided by that number There is also the cost of reaping weeding, threshing &c. Deducting the cost of production from the gross outturn valued in money we have the net profit, one half of which is the limit of the Government demand[2]

It is obvious that the average amount of produce may vary in the different classes of soil, if these have been correctly observed and the cost of cultivation and cost of production will vary in the different assessment tracts.

§ 11 *Use made of the Calculation of Produce and Costs.*

This calculation is rather a theoretical basis or standard of comparison than a process which gives rates that can at once be adopted.

In all the recent *Settlement Reports* that I have examined, the calculation is made and reported but I have not observed any case in which rates deduced have been actually proposed for assessment purposes. The theoretical rate invariably comes out too high, and the actually proposed rate is somewhat (occasionally a good deal) lower The fact is that, as we have seen in other Settlements, no hard-and-fast rule of assessment is possible. There are (in all modern Settlements) previous rates and those in force in the Settlement just coming to an end, to be considered; and there is generally the probability that, the district

as large a number of cases as possible from among all classes of the people and over the entire area of the country under Settlement. The information collected is put together in a tabular form.

[1] It should be noted before that the later Settlement Reports do not appear (in some provinces) for whole districts, but they are issued for the circles settled in each year

[2] Miscellaneous crops like sesamum &c., are not calculated in this way nor gardens; these form but a small proportion of the cultivated area, and fair arbitrary rates are selected; single trees bearing fruit are assessed usually at four to six annas each.

having advanced and prices risen, the last rates may be fairly raised but there is the question how any consider able rise will affect cultivation how far prices are likely to rise or fall how far former rates have been collected with out difficulty i.e. resort to coercive process and finally there is a comprehensive view to be taken of the circum stances and condition of the particular circle or tract under Settlement, based on a thousand facts and considerations which pass before the mind of an experienced officer fami liar with the place these produce in his mind a sense that certain rates will be too high or others too low this he will endeavour to justify in his report, and he will probably be right even if he cannot explain himself fully in words.

In short, the full half will not always be taken. It is of no use to propose rates which would compel the people to lower their standard of living Again, large families cultivating small holdings cannot usually pay as much as small families cultivating large holdings and holdings containing no waste and therefore incapable of expansion, cannot so easily bear a full charge as those in which there is room to extend cultivation[1]

[1] The text of the Directions on this subject is as follow :—

139. But before proposing rates fo sanction, the Settlement Officer should consider the f llowing points :—

( ) incidence of the present revenue ;

(b) amount of the present revenue ;

( ) probability the reverse f continuance of th exist ing alue of produce

(d) a erage size f the holdings of the agricultural families

(margin of wast left fo increase of cult tion ;

(f) general condition of the people

(g) probable ffect of increase of population, ascertained by considerati n of the hanges wrought by increase f population in the past.

140. If, after considering the effect of an assessment at the full half profit standard, the Settlement Officer ha reason to think that a modification should be made in the rates, he should show alongside of the full rates, those rates which he recommends, and should give a lear statement of his reasons.

141. It is of primary importance that no su h enhancement of rates should be made as will impose on the people the necessity of low ring their standard of l ving or curtailing their common comf rts. N people can be expected to live contentedly under burdens which impose such necessity

142. Large families cultivating small holdings cannot ordinarily afford t pay so much as small families cult vati g large holdings ; and under exi ting conditions, cult vators in tracts where the limit of cultivation has been

are always reckoned as each a separate kwin, not as holdings.

Directions, § 65. The *register of tenants is not a legal record of rights*, but it is kept up for official and statistical purposes.

§ 15. *Tenant Right.*

There has been no occasion yet for any law about tenant-right, but the progress of agriculture and the material wealth of the country naturally lead to the wealthier men abandoning cultivation themselves and giving over their land to tenants who cultivate for them, paying a rent which in some parts commonly consists partly of a cash payment, viz. the amount of the Government revenue, and the rest in kind,—a tenth of the gross produce or in other parts, of a cash rate agreed on (see p. 492, *ante*).

The land-system in Burma not having created any artificial landlord over the estates, but dealing with the individual holdings and their occupiers, there has been no occasion for sub-tenures representing natural rights in the soil in subordination to the superior title. Any tenancies that arise are therefore necessarily based on custom or on agreement between the tenant and the landholder or grantee.[1]

grant kwin has always one proprietor —the grantee—and all under him are tenants. In an ordinary kwin (village) there may be many landholders, &c.

On the subject of tenants, the following extract from a report on the well-to do district of Tharrawaddy may be quoted, as e plaining what i generally true :—

It has been proposed to restrict by legislation the right of free contract between the landlord and tenant on the ground that it has been found necessary to do so in older countries. I am convinced that there is not in this district the slightest necessity for any legislation. The landlord and tenant here differ from those in India and at home in the following respects —

(1) They are members of one social class, and they are both accustomed to one standard of living.

( ) The land is let from year to year and fixity of tenure is unknown.

(3) There is no necessity for expending capital on land after it has once been cleared, and consequently there are no questions of compensation.

If the tenant-classes had from generation to generation becom accustomed t look upon the landlord property as thei own natural home there might be good reason for tr ting a tenancy contract in a different w y from other contract : but, in a system of peasant proprietors, where the customs that I

§ 16. *Joint Responsibility*

In Lower Burma there is no such thing as a joint responsibility of a kwin for the entire revenue assessed on it. This was as I before stated, attempted in some places, but was found a failure and was abandoned every man is responsible for his own holding A holding is, however often held jointly by the heirs of an original deceased owner As long as it remains joint, the names of all the owners are entered in the thúgyí's books. And when such persons have been jointly in occupation of land liable to land revenue, cess, or tax in lieu of capitation, during the year they are jointly and severally liable and so are all joint tenants, mortgagees, or conditional vendees.

When partition takes place, and the shares are separated, the assessment is apportioned also so that each share becomes a separate and independent holding

There is also a joint and several liability on all males of the family who at any time in the year (being then 18 years of age) took part in the cultivation, in cases where a tax is levied (as it may be in the case of toungyá cultivation) on the family Act II 876, s 87–8.

have pointed out exist, it is difficult to see what grounds could be given for the interference of legislat n, and to understand what form legislation could possibly take. There was not a single case of litigation between landlord and tenant in the Tharrawaddy district during the past year

In another eport the same uthor writes (*Settlement Report*, 860 6 p s —

A temporary sl kness, lawsuit, or the d ath f wife is considered by a Burman a sufficient reason f resting from Labour for a year provided he is able to find a substitut wh will pay the revenue on the land nd give him share of th profits.

There are few landlords who habitually lease out their land and have no connection themselves with the soil.

The expression tenant class suggests that there is landlord class—a class who have themselves no connection with the soil that belongs t them further than that they habitually lease it out for the rent that can be drawn from t. This is not the case with the majority of the landlords in the tract under Settlement In nine t tl of th rea the owner has leased th land f one season, because for som reason he has been unable himself t cultivat t, and he has leased t not t a man of a separat class and social standing from himself, but probably to the owner of adjacent land.

duties of the thúgyí—in dealing with applications for land, or for relinquishment, preparing the annual rolls showing the land revenue for the year due from each kwin in his circle, looking after the collections, and so forth,—will be found in the Rules, and in Directions to Revenue Officers concerning the Supplemental Survey Chapter IV The Thúgyí may have an Assistant called Taik-Sayé. The remuneration of the Thúgyí by commission on his collections, is provided by the Rules as also his liability to penalty for misconduct.

Rules 40–54, 82 3, 93 6, 116.

Rules 55–58.

§ 4. *Village Headmen.*

There are executive headmen of villages called Kyédán gyí [1] but they are chiefly the spokesmen of the villages in their dealings with the authorities. The kyédángyí has no revenue functions, nor has he any responsibility like the lambardárs of a North Indian village nor consequently does he get any percentage on collections though he may receive a small remuneration or a grant of land But, as a matter of practice he does give the Thúgyí of his circle considerable help in collecting the revenue of the kwin. The headman of a village is consequently not mentioned in the Revenue Rules. He is, however an important functionary from a police point of view He forms part of the rural police and his duties are to report crime and the arrival of persons of suspicious character to the goung or headman over a circuit [2] (Police administrative group). He has also to help public officers when in camp and to keep up certain registers of births, deaths and marriages, and to help when required in collecting and registering vital statistics. The headman is liable to certain penalties for neglect or misfeasance but a prosecution cannot be instituted against him without the orders of the

Act III of 1889, sec. 4, and see sec 18.

Act III of 1889, secs. 5 12.

[1] These are the official headm n; the local or ocial headman is th Ywá l gyi.

[2] I have quoted Act III, 1889, as modifying Act II f 1880, but the principal sections of the form r only come int force in such parts of th Province and at such dat s the Chief Commissioner notifi s. Where thi notification is not issued, secs. 12 14 of the Act II of 1880 still define the duties. (Act III of 1889, sec. 1 (2).)

Deputy Commissioner There are also certain rules regarding the limit of time and giving notice in case a civil suit is filed against a headman regarding his official acts, for which the Act must be consulted. Act 188

§ 5. *Revenue Duties in Circles which are settled.*

One of the first objects is to keep up the Settlement survey maps up to date. The cadastral survey has furnished maps of each kwin (on a scale of sixteen inches to the mile) and the area statements (equivalent to the *shajra* and *khasra* of North Indian Settlements) There are also the Settlement records above described. Some of the facts recorded, e.g. the boundaries and total area of the kwin, do not change but inside the kwin, the lines are altered continually Jungle or waste land is brought under cultivation, boundaries of holdings alter by enlargement, transfer partition and so forth and if the maps and records were not kept *au courant* with these changes, they would, in a few years, become so incorrect that when the time came round for a revision Settlement, the whole survey might have to be done over again[1] Moreover there would be a difficulty in correctly preparing the annual assessment lists.

In order thus to maintain the records, the Supplementary survey is a recognized branch of Revenue business, under the supervision of the Director of Land Records and Agriculture.

The work consists in the annual correction of a copy of the original kwin map, and the maintenance of eight Registers, six of which are annual[2] The chief of these is what I

Directions to Revenue Officers concerning the Supplementary Survey July 1885 *Inspection*, Chapter III.

Directions (Supplementary Survey) pp. 3-5. The additions, &c., to the map consist of—

( ) Survey field by field of all extensions of cultivation.
(b) Delineation of new boundaries in fields which have been subdivided.
( ) Numbering new fields caused by (and (b).
(d Lining off with coloured pencil the boundaries of any holding that has been changed.
( ) Delineation of new objects, houses, tanks, &c.

may call a Comparative Register of Holdings, as it shows on the left hand columns of the page, the *status quo* at the beginning of the year and then on the other parts or groups of columns, the changes during the year both as to area and assessment, under the heads Increase and Decrease, and the resulting state of things. A fourth set of columns shows the area occupied by tenants, agents, mortgagees, &c., and the revenue payable thereon.

The second Register shows grants made during the year the third shows the leases as these may consist of lands leased for a term or such as are temporarily relin quished by landholders, and may revert to them within twelve years it is necessary to keep them separate from the grants.

The fourth Register (tenants) is important, because other wise a tenant right would become confused with a land holder s. The Thú gyí used generally to collect the revenue from the tenant direct, and therefore put him on his list as if he were the landholder; in this way confusion arose. It is to be remembered that the landholder is still in possession under the Act, although his land is actually worked by a tenant. Agents not paying rent are not shown in the Register

The fifth Register showing transfers and partitions, needs no remark. The sixth is an annual area statement it shows the fields which have been altered or newly formed during the year with new numbers to replace the old ones in the original statement. Registers VII and VIII call for no special notice. These do not always alter but as new persons acquire the status of landholder and new grazing grounds are allotted, additions may have to be made.

The Thu-gyí or his assistant (whose appointment is so regulated that he may be a competent surveyor) carries out the supplementary survey and enters the necessary changes on copies of the Settlement maps he also keeps up the first four of the registers. A Superintendent appointed under the orders of the Deputy Commissioner checks the work

with the aid of Inspectors [1] The Superintendent of Land Records himself keeps the seventh and eighth Registers.

The Thú gyí is furnished with what the Directions call tax tickets, or counterparts of the roll for each holding, on the strength of which he makes the revenue collections.

§ 6 *The Agricultural Year*

The agricultural year in Burma begins on the 1st July but the date may be changed. Any increase in rates, &c., only takes effect from the 1st July following the date on which it may be ordered Act 187[?] 41, Ru[?]

§ 7 *Collection of Revenue.*

The revenue assessed on land is payable by instalments, which at present are due on the 15th February and for kaing or miscellaneous cultivation, on 1st April. The Chief Commissioner is empowered to fix (in any district or part of a district) any date not later than the 15th March for payment of revenue on land other than kaing cultivation. Revenue is payable to the Thú gyí of the circle in which the land is situate. Rul[?] Rul[?]

The Thú-gyí has to prepare an annual roll, showing the changes during the year and the resulting amount actually payable, allowing for fallow specially assessed at two annas an acre. On sanction by the Deputy Commissioner tax tickets are prepared and served on the persons liable. No revenue is demanded except after the issue of a tax ticket. For all revenue paid a receipt is given. Objections to pay must be filed within ten days, to the Township Officer who reports to the Deputy Commissioner or to the officer in charge of the Subdivision Act 187[?] 44, 94.

For the rules about capitation tax, and the land rate imposed in lieu of it, and for other particulars regarding exemption from capitation tax in favour of certain classes and of immigrant settlers, the Rules must be consulted. Rule 109

[1] Directions, Supplementary Survey, (Chap. III). This is in effect the same organization as we have found in so many provinces—the Inspectors are the Kanúngus of Northern India and the Superintendent of Records is the Head or District or Registrar Kanúngo.

§ 8 *Recovery of Arrears of Revenue.—' Defaulter*

A person is in arrears and becomes a defaulter under the Act, when a written notice of demand having been served on him (or published under the rules if he cannot be found), the demand has remained uncomplied with for ten days.

Act II of 1876, secs. 43 51

The ordinary process for recovery of arrears of revenue is that of the Civil Procedure Code for the execution of decrees in which the Revenue-officer who has made an application' containing certain particulars, is the decree-holder and the defaulter is the judgment-debtor If the amount does not exceed R. 1000, there may be an order for immediate execution[1] which will greatly facilitate collection of all petty sums of revenue; and the Revenue Act dispenses with a preliminary issue of notice in the case of a defaulter who has absconded or is about to abscond.

Rules 100-104. Act II of 1876, sec. 45. Sec. 45.

In addition to or instead of, this procedure, the Chief Commissioner may empower any Revenue-officer to proceed against the land itself. By rule it is directed that recourse should be had to this section in case of contumacious default, or where there is no likelihood of the amount being otherwise recovered. If there is a permanent heritable and transferable right in the land it may be sold by the Township or the Subdivisional Officer and the purchaser takes the land free of encumbrances. If there is no saleable right in the land, the Revenue-officer may take possession of the holding which then vests in Government free of all rights.

Sec. 46. Rule 103. Act, sec. 48. Rules 04 06. Rule 107

§ 9 *Remission of Revenue.*

This may be granted, before a crop is reaped, when destruction has been caused by drought, inundation, blight, ravages of insects, or other cause not ordinarily preventible. Remission of the whole is granted for a total or nearly total loss of crop and for a part, in proportion to the fraction of the crop lost provided that no remission is given unless the loss exceeds one third of the estimated ordinary full crop of the holding Remission must be applied for in

Directions, containing Revenue Notif. No. 152, 4 Sept. 1890.

[1] Civil Procedure Code section 256.

writing to the Township officer direct (or through the Thu-gyi) by a certain date. An inspection is made, and the case reported to the Deputy Commissioner If the remission is large, the Deputy Commissioner should himself inspect the land. The final sanction rests with the Commissioner and in certain cases with the Financial Commissioner

§ 10 *Procedure and Appeals in Revenue Cases.*

The Act[1] gives powers, similar to those found in other revenue laws, to cause the erection, maintenance, and repair of boundary marks. Sec. 5

Provision is made for advances to agriculturists, like the taqávi in India. Rules 145 5

All orders passed by revenue authorities below the Commissioner are appealable, and the Financial Commissioner has a general power of revision the Act leaves it to the Rules to decide details, but mentions a number of important revenue subjects on which final orders are not to be passed by an officer of lower grade than a Commissioner Rule 1 Act, s. 55

Those rules, regarding appeals and procedure generally do not need any explanation. Rules 26–30 141 4

[1] See also Act V of 1880, sections 22–27, regarding the cost of boundary-marks, their repair and maintenance. As regards inspection of permanent marks twice a year see rules under the Boundary Act.

CHAPTER V

UPPER BURMA.

§ 1 *Annexation and Principles of Administration.*

WE now leave the districts of Lower Burma in order to notice the system adopted for the management of the large and important area of Upper Burma added to Her Majesty's dominions by the Governor-General's Proclamation of 3rd March, 1886[1]

It will be observed that the order simply annexes the country to the dominions of Her Majesty the Queen Empress; it does not unite them to any province or presidency previously existing But they have been naturally placed under the administration of the Chief Commissioner of Burma.

In the official papers it is clearly indicated that the object is ultimately to assimilate the Law and the Government system with that of Lower Burma; but that under existing circumstances a simpler form of administration is indispensable. The annexation was therefore so ordered that the province does not come under the Indian Statute Law but is subject to the Act 33 Vict. Cap. 3 under which Regulations for its administration have been passed. As regards the Revenue administration the local or native methods of revenue collection and assessment, and the local

[1] Published in the Burma Gazette of March 6th, 1886 Part I. p. 891. A preliminary proclamation temporarily assuming the Government during Her Majesty's pleasure had been issued on 1st January, 1886; but that quoted is definitive. Upper Burma has an estimated population of four millions. It is in great part covered with jungle, and is entirely without roads and undeveloped. But its resources are considerable and what it wants before all are settled government, improved communications, and a larger population.

administrative divisions, were directed to be maintained in the first instance, and the native officials to be employed where possible. The Shán States are under her Majesty's suzerainty and will be treated as tributary or feudatory States, without attempting to bring them under any direct administrative control.

As regards the British districts, it is probable, therefore, that, as time goes on, changes will take place, and especially in the Revenue administration.

§ 2. *Boundaries.*

At present the map which I have prepared does not show definitely the boundaries of the province nor of the districts. It must be a work of time and of the development of local conditions, to settle all these matters any hasty or artificial delineation of external territorial boundaries, would be productive, in the future, of very great inconvenience. As to internal boundaries, they will settle themselves in time.

The country was already naturally divided into territories, which have become British districts, each under its Deputy Commissioner —seventeen in number [1]

As each of these Deputy Commissionerships consists of a certain number of circles (taik), aggregated again into a number of townships (myo), and the limits of the circles and townships are traditionally well known the question of boundary between district and district will in time be easily settled and a survey will follow

§ 3 *The Official Staff*

The hierarchy of official orders may therefore be conveniently here summarized. It will be observed that, both

At first fourteen were named nor was it originally proposed to have Commissioners of Divisions. But this latter intention was, fortunately not persisted in. Commissioners—especially where the Central Government is necessarily remote—are relatively more needed in the early years of an administration than at any subsequent time.

The Government issued in January 1886, detailed note of instructions as to the principles of Administration. This note together with a concise history of the annexation and its causes, will be found in the Governor General's despatch Public, No. 52, dated 9th Oct. 1886, to the Secretary of State printed in the Parliamentary Blue book Burma, No. 1 (1887).

as regards the division of districts into 'townships and circles, and as regards the titles in use, the general organization of Upper Burma closely resembles that of the older districts. The Chief Commissioner is the head of the administration, and the Financial Commissioner has the chief Revenue control. Under him are the four Commissioners of the Northern, Southern, Eastern, and Central Divisions, who divide among them the supervision of the (seventeen) districts.

Under the Deputy Commissioner of the district are the Myô-ôk, or executive heads of townships —resembling the tahsîldár of India, and invested with judicial powers. Each township contains several taik or circles (as above stated). For the Revenue collection of the circle, a thú-gyí (having also minor magisterial powers) is responsible and he receives a remuneration equal to 10 per cent. on his collections. Over the *thú-gyís* of the circles within a township, is a Revenue Superintendent, called Myo-thú-gyí.

The Revenue law is now contained in The Upper Burma Land and Revenue Regulation (No. III of) 1889.

It is based on the principle of maintaining the old Burmese methods though in an improved form.

Putting aside the Regulation for a moment, I may mention that the Burmese Revenue was derived from—

(1) Capitation tax—a tithe levied on households (tha thá medá).

(2) A land tax on royal lands, which amounted to 25 per cent. of the gross produce commuted into cash at current rates of the market, or on Royal gardens, calculated in another way by the number of fruit-trees grown.

(3 and 4) Royalties on Rubies and Jade, and on Petroleum.

(5) A water rate or irrigation tax, supposed to represent the cost of maintaining and repairing canals or irrigation works.

(6) Fishing rights.

(7) Forests.

(8) Apparently some kind of Stamp duty had been copied from the British administration.

It will be observed that Excise formed no part of the Revenue. The King allowed (ostensibly) no manufacture or sale of spirits[1]

The Land Revenue is what we are here concerned with. The Regulation (III of 1889) repeals the temporary provisions enacted by Regulation VII of 1887

§ 4. *Regulation III of* 1889

The Regulation recognizes the Financial Commissioner the Commissioner the Collector and the Assistant Collector of the first and second grade respectively

The Collector is of course the Deputy Commissioner and the title Assistant Collector in fact represents two grades or degrees of powers, one or other of which (according to position, experience, &c.) can be conferred on any of the European or Burmese staff of Assistant or Extra-Assistant Commissioners or the township officers (Myôôk, Akunwun and other native titles).

After determining the classes of Revenue officers and their powers, laying down the course of administrative control, and making the usual provisions about appeal and review of orders, and prescribing a simple procedure under which the employment of legal practitioners is somewhat restricted[2] the Regulation goes on (Chap. III) to deal with the various sources of State Revenue, following, it will be observed, the old native principle, but providing for rules to regulate simplify and render equitable the method of assessment and levy The sources of Revenue are (1) the old customary thathá medá or capitation tax (meaning the tenth or tithe) levied according to rules to be framed, at th desire of the leading men.

[1] It may be mentioned that this prohibition is maintained as regards all Burmese inhabitants. Shops are licensed strictly for European or Indian requirements. Sale and import of opium are also entirely forbidden, according to

[2] They cannot appear without leave of the Revenue Officer sec 3 b nor without holding a certificate from the Financial Commissioner authorizing them to practise sec. 13, sub-sec. 2.

certain rates *per* household or family (2) the Government rights in all State lands[1] provision being made for rules to regulate the occupation and grant of rights in such State lands as are waste (3) the land revenue of all other lands (4) State rights in minerals and earth-oil (5) fisheries, and (6) salt. It will not be necessary to say any thing about (4) (5), and (6) but some remarks may be made about the tithe and about State lands, and ordinary revenue-paying lands.

§ 5. *Thatha-medd.*

It is not necessary to do more than give a brief and summary account of this tax. It is probable that, before long, it will be abolished (at any rate, as far as all land holders are concerned) and a regular land revenue substituted

At present the Rules (in Chap III) will provide for its levy according to the old native custom.

It is enough to say that various persons are exempt from the tithe[2] and that to encourage settlers, immigrants are exempted for two years and this period may be extended in the case of those who settle down and cultivate the land, by the Local Government.

Its assessment is effected by the thú-gyí who submits a census or roll showing all persons or households liable to pay This roll is subject to being tested by the Assistant Collector The Government fixes the rates (by notification) from time to time: these rates multiplied by the number of tithe paying households (or locally boat holds for many reside on the river) give the total assessment of the

[1] From what wa said about Lower Burma, the reader will ha e gathered that the land revenue under Burmese rulers was a partial and very imperfect levy The hief source f revenue wa the Capitation tax. Besides that, some area of the best land were reserved Royal lan l or farms, the whole produce of which went to th Ki g. I Upper Burma in 1868-9 the revenue from the tithe was nearly thirty-six lakhs, while that from State land wa only six lakhs.

[2] i. the head of household com ing under a given description. Government servants, for exampl are exempt; so are foreigners visiting Burma for trade i firm persons and those wh cannot earn a livelihood. Exemption tickets are granted on application.

village or other local area. There are official persons called Thámadí or assessors (appointed according to custom) who distribute the total over the families or households of the circle according to their circumstances and ability to pay; and lists of the payments are afterwards published. Objections to this assessment list must be made within ten days of its publication.

§ 6. *State Lands.*

State lands are those defined in Section 26 of the Regulation. Throughout the country certain lands were held as royal lands the rental going to support the king. Reg I of 188 sec. 26

This form of raising revenue is, as we have seen, one of the old forms of the government of the early races which we call Dravidian, and it is found in various parts of Central and Southern India and in South West Bengal,—wherever there were kingdoms of a pre-Aryan type.

But as a matter of fact, many Oriental Governments have adopted a similar plan, whether originally or by way of copying older institutions in Madras and elsewhere. Thus we find lands, under the name of hawéh, reserved for the support of the Court, under the Mughal Empire; and the Ṭayyúl villages of the Delhi territory and the khás-mahál of Bengal in Muhammadan times were similar.

The (Burmese) Royal lands are State property as are also lands held on condition of rendering public service, or as an appanage to some public office.

Custom has added a right of the State to certain other lands, which is a right universally found in India,—unconnected with any special custom of royal farms. Thus the State is entitled (as royal lands') to islands and alluvial formations in rivers; to all forest and waste land, and land which has been abandoned, and to which (as the Regulation now adds) no claim has been, or is preferred within two years (from the date of the Regulation). In any case of doubt, the Collector may make a declaration that land is State land, whereon a claimant to the contrary will have to prove his Reg. II of 1889 sec. 44

case. Subject of course to grants of the British Government, or to orders passed on claims just mentioned, tenants of State lands are only temporary holders, and their right is now defined. No heritable or transferable right, either of occupancy or use can exist. Occupiers must pay such rent as they have agreed to pay, or in the absence of any agreement, such as the Collector decides to be fair and equitable. Ordinarily the Collector commences by making a list of all existing tenants paying rent, or in actual possession. The list shows also the area (in acres) of each holding, the average annual produce for the last three years, the value of the same at the average of market rates for three years past, the customary share of the produce which the State takes. On these data he will find the money value of the rent-share. There are other matters of detail for which the Rules must be consulted. The rent is liable to revision from year to year unless the Financial Commissioner otherwise directs.

A lawful occupier is not, however, a mere tenant at will of the Crown. He is protected by Rules[1] which regulate ejectment at the end of the agricultural year—

(a) with three months previous notice, in which case he is only entitled to compensation for improvements;

(b) without notice, in which case he will get besides compensation for improvements, an allowance of one year's rent, as a compensation for disturbance.

If for any reason, ejectment is required before the close of the agricultural year he gets both kinds of compensation alluded to, and also the value of the crops in or on the ground at the time of ejectment, less the rent payable for the year or harvest, as the case may be.

A tenant who does not like the rent levied, may give notice three months before the end of the year that he requires a reduction; if this is refused, he is at liberty to relinquish without further notice. He may relinquish (on any ground whatever) by giving three months notice.

The Collector may also give three months notice of an

[1] Chapter V. But the rules have not yet been finally passed.

itention to raise the rent and if the tenant does not agree, e must relinquish but can claim compensation for im rovements.

An unauthorized occupier[1] or an authorized one who iakes default in paying his rent, may be ejected at any ime, by order of the Collector

§ 7 *State Lands being Waste.*

Rules are provided to be made for the disposal of *waste* tate land, for regulating the temporary occupation of such ind, and for the allotment of it, where needed, for use as razing ground to villages. The Rules include the imortant subject of the amount or kind of interest created y the grant, as well as the exemption from rent, under ertain circumstances. Land required (or likely to be reuired) for public purposes, is not to be leased except from ear to year Other waste land is leased for not exceeding hirty years and with reservation to Government of mineral ights and teak trees. It is subject to paying revenue, axes, or rates; but to enable the lessee to establish his ultivation, there are rules allowing exemption from revenue or a term of years, as well as conditions about bringing a ertain proportion under cultivation in a certain time. The onsequences of failure to act up to the lease are provided.

§ 8 *Ordinary Lands paying Revenue.*

State land, being the property of Government, pays *rent* o Government as its landlord or owner All other land which is private property (in some sense) pays *land revenue* but where the landholder already pays thatha-medá tax, this latter is either forgiven or 'adjusted, so that a double burden is not imposed.

§ 9 *Assessment of the Revenue.*

The land-revenue is to be assessed according to such method of assessment, on consideration of such sources of

[1] Unauthorised occupation is also punishable with fine or imprisonment, or with both.

The law allows the usual power of disputing an 'arrear The defaulter must pay up first and then he may bring
Sec. 43. 3 a regular suit to contest the certificate of arrear

In order that inexperienced persons may not carry out these proceedings the Financial Commissioner is to make rules as to the officer or class of officer by whom the process
Sec. 44. of recovery may be enforced

§ 12 *Supplemental Provisions*

The Regulation concludes with various supplementary matters. It will be observed that nearly all points of detail are settled by Rules to be issued by the Financial Commissioner Such rules require to be published before *coming into force* and *to receive the sanction of the Chief* Commmissioner subject to the control of the Governor General in Council. Finally there are the usual provisions barring the jurisdiction of the Civil Court in Revenue matters which are specially provided to be dealt with by Revenue-officers.

CHAPTER VI.

THE ANDAMAN AND NICOBAR ISLANDS.

§ 1 *Situation and History*

THESE groups of islands are not connected with the Government of BURMA in any way but their geographical position makes it suitable to place a brief note regarding them, after the Chapter on Burma.

They consist of a long stretch of islands, the Great and Little Cocos, and the North, Middle, and South Andamans, and the Little Andaman, a separate island some distance south. In the South Andaman is PORT BLAIR (the capital with its splendid harbour) Further south again come the Nicobar Group, consisting first, of the 'Car Nicobar Til langchong Terressa, Camorta, Trinkata, Katchall, and Nan coury (whence the name of the settlement); and still further south (beyond the Sombreiro Channel) are the Little and Great Nicobar Islands. The whole group is under the control of the Chief Commissioner and Superintendent, Andaman and Nicobar Islands, residing at Port Blair This official has a Deputy (periodically relieved) at Nan coury (Nicobars).

The Andaman group were first made use of by the Bengal Government in 1789 as a convict settlement and a harbour of refuge. The colony was abandoned owing to its unhealthiness in 1796 It was not re-established till 1858 and the islands were then formally annexed.

The Nicobars had been originally colonized and annexed by the Danish Government, but were given up in 1858 They were included in the Chief Commissionership of the Andamans in 1872.

§ 2. *The Law applicable*

The law providing for the government of the whole group was at first contained in Act XXVII of 1861 which was replaced by a Regulation (under 33 Vict., cap. 3) passed in 1874. This in its turn has been superseded by the amended Regulation No. III of 1876.

Reg. III. of 1876, sec. 4. All the land comprised in any settlement in any of the said islands is vested absolutely in Her Majesty the Queen, and no person shall be deemed to have acquired any property therein or any right to or over the same by occupation prescription or conveyance or in any other manner whatsoever except by a conveyance executed by the Secretary to the Government of India by order of the Governor General in Council.

A proviso to this section saves rights created under Act XXVII. of 1861.

The Chief Commissioner sanctions the occupation of land by a license in writing and such a license is not transferable either by contract or by inheritance, without the written Sec. 6. consent of the Chief Commissioner. The Chief Commissioner can also determine any license, by giving a year's notice and paying compensation for buildings or works Sec. 7. constructed pursuant to the terms of the license[1].

The limits of a settlement may be at any time defined by an order of the Governor General in Council. And the Chief Commissioner with sanction of the Governor-General in Council, may appoint one or more officers to superintend the management of land of any settlement and the realization of rent, revenue and other dues (which may be recovered summarily by distraint of property or personal imprisonment (simple) not exceeding six months).

§ 3. *The Occupation of Land.*

Rules regarding the grant of licenses to occupy land were

[1] In order to place a limit on such compensation, the license itself specifies maximum value (not exceeding R. 25,000, without special sanction of the Governor-General), up to which value buildings may be constructed or improvement works undertaken.

published in the local (Andaman and Nicobar) *Gazette* of 31st January 1885.

A Revenue Officer is to fix the boundaries and demarcate the land of each village. A khasra survey is made, and a shajra, or village map is prepared 'in accordance with the system adopted in the North Western Provinces, and the *khasra* or index register of lands, which accompanies it, is made out in a simple form, prescribed in the rules.

From this khasra a khatauni or abstract of fields held by each person, is made out. A plan of the village site is also prepared and a register of the houses [1]

Provision is made for recording all changes in holdings of land and houses in a dákhil-khárij register such changes being reported to the head of the village—called Chaudhari.

The licenses for land hold good for five years and a rent is prescribed in the license, which ranges from R. 1 8 on low land (rice land) per Bengal bíghá [2], and twelve annas on hill land.

Conditions are endorsed on every license as to payment of school cess, chaukidári (cess for support of watchmen), and grazing fees, &c. It is also a condition that the land must not be given up without three months notice before the close of the year

The license may be transferred only by permission as already stated, and on payment of a fee for registering the transfer

There are taxes on all *house-sites* according to their class, ranging from R. 25 to R. 2 a year But house-sites of revenue-paying cultivators pay no tax.

Rules regarding the Nicobar settlement are to be found in the *Gazette* of 6th September 1884.

[1] The Settlement Records of Port Blair thus consist of —(Vernacular —in Urdu) (1) Boundary maps, (2) the Khasra, and (3) Shajra, or village map, (4) the Abstract of Holdings or Khatauni (kept in English also (5) the plan of house-sites, (6) the house register and (7) a general allotment of land and house-sites, comprised in a village (kept in English also). (*Rule XII, Gazette of 3 of January, 1885*).

[2] Presumably that used in Bengal proper which is ⅓rd of an acre, nearly 1600 square yards. That originally adopted in the old North Western Provinces survey is 3025 square yards.

These rules are framed to prevent the taking up of land which properly is held or occupied by native Nicobarese. Registers are to be maintained—(1) of land within a two miles radius from the Jetty at Nancoury, (2) beyond that distance and (3) register of transfers.

The conditions of licenses (endorsed on each license) vary according as the land is within the two-miles radius or beyond it.

In the latter case no rent or revenue is charged for fifteen years, after that one rupee per acre is payable annually[1]

[1] In the Nicobars the land measure used is the acre of 43,560 square feet, which is divided into fractions called 'one anna' or 'one pie' respectively. The anna is the one-sixteenth part (2722 square feet) and the pie the twelfth of that (226.9 square feet).

INDEX OF SUBJECTS

NOTICE.—*All* Indian words (including Anglicised forms, and names of provinces, mountains, rivers and places) are to be looked for in the second, or VERNACULAR Index (which is a combined Glossary and Index).

THROUGHOUT both Indices, the *Province* to which the reference belongs are indicated by initials, thus :—

(Ben.) = Bengal.	(Pj.) = Panjáb.
(Bo.) = Bombay	(C.P.) = Central Provinces.
(M.) = Madras.	(L.U.B.) = Lower Upper Burma.
(N.W.P.) = North-Western Provinces.	

T save space, P. S. is used for Permanent Settlement ; S. for Settlement (i. e. of Land-Revenue); L. R. for Land Revenue ; I. for India ; Adm. for Administration ; Govt. for Government (with or without the capital initial).

In referring to compound words, like Land Revenue-Settlement, Land-Revenue-Officer Land-tenure, &c. look under Settlement, Revenue Officer Tenure.

Only Land-Revenue, and Land-Record, have been used in full, to prevent the confusion that might be occasioned by there being Records and Revenue other than those connected with land.

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R.

VERNACULAR INDEX AND GLOSSARY

(See also note at beginning of the Eng. Index.) Dist. = District; Cult. = cultivated, or cultivation; A. = Arabic; H. = Hindi; P. = Persian; S. = Sanskrit.

D

E.

Ellu (Malabar), sesamum cult. : iii. 152.

Erkidu : see iii. 187

Etmámdar (from Ihtimámdar), a kind of lease-holder in Chittagong : i. 557

F

Faqir (A.) a beggar a religious mendicant.

Fard navis (lit. = writer of lists or schedules) a financial secretary in the Maráthá State : i. 261

Farfarmás o farfarmáiah, one f the extra cesses levied in Maráthá times, being contributions in kind, hides, charcoal, rope, ghee, &c or converted into a cash payment (Bo.)

Faringati, a lass of cult. lands in Assam see iii. 4 7

Fasl (A.), harvest fasl-jyásti, fasl kami (M.), addition or reduction in the revenue on account of double crops, or th loss f one : iii. 99.

Fasli, of or belonging to a harvest; the Muhammadan official era : i. 3, 14

F tihpur dist. (N W P), assessment of : ii 77

proportion of joint-landlord r zamindári villages in : ii. 117

G

Gabhar (C.P) level land : ii. 430.

Gaddi (H.), a cushion ; the Stat cushion or throne spoken of a representing the kingdom or principality ; as when an heir succeeds t the Gaddi : i. 224

Gaddi (Pj. Hills), a shepherd tribe : ii. 695.

Gámeti (Bo.) one of the designation of the petty chiefs of former day : iii. 282.

Gandi, a fraction of a rupee (in reckoning division of land), (N W P) : ii. 28.

(Ben.), a small land measure, being $\frac{1}{?}$ of a kathá, which is of a bighi : i. 439 note.

Gangará (Ben.), a larg mbank ment for drainage, &c. : i. 683 note.

Gánthi, one of the tenures of (Ben) : see i. 547

Gáńw or Gáoń (H), a village = mauza (P) : i. 21.

Gáoń-thán (Bo. &c.), the village site or place for houses = ábádi : iii. 246, 350.

Gáońtiyá (Sambalpur and C.P), the village headman : ii. 470.

Garhí (= a small fort), the Patel's residence or the centre of the village (Berár &c.) : iii. 361

Garhtiyá, Garhotiyá, fort-holder name given to certain chiefs in Chhattisgarh (C.P) : ii. 446.

Garhwál (British), see Kumáon.

Gáńq Hills, the : iii. 454.

Gathá (C. P), an embankment for irrigation purposes ii. 37

Gat kul (Bo) = abandoned or lost, and kula, family one of the terms indicating the exist ence formerly f a landlord class in Dakhan villages : iii. 257

Gauhán one of the zones of culti vation, that nearest the homestead = bárá (N W P) : ii. 57 note.

Gaum (Bo.), = gáńw a village i.

Gauríat (C.P), land receiving manure and refuse of the village : ii. 428.

Gáyá, dist. (Ben.), grain rents in : i 602.

Gayál (Bo Konkán) see iii. 290 see also gatkul

Gayárí (H.) lands which lapsed t the Ráj by escheat on failure of heirs (Bait-ul mál of the Maráthá States) : i. 239.

Gaz, a yard the Iláhí gaz i. e. the divine or standard yard, was the unit of measure in the Mughal Empire S. : i. 257

Gehúáhán (C.P), from gehun (H.) wheat, land that is adapted to grow wheat : ii. 429.

Ghair (A.) except not a negative prefix, used in varion ways, e. g. :—

Ghair maurúsí, not hereditary ; the ordinary or tenant-at will (Upper India) : ii. 704.

Ghair-mumkin (not possible), waste or ther land wholly or per manently unculturable.

N

T

Y

Z

n. (and parts great land-agent, al growth in power and ection with the land, held to necessitate his recognition as landlord under the P.S. In this sense the word is written with a [illegible] tal Z; and so whenever [illegible] considerable overlo[illegible] or estat is implied.

(c) In N W P., [illegible] lied to *Ilaqas*, implyin[illegible] there is a landlord clas[illegible] ing the whole area, cult. and waste, and all managing rights and profits, either *jointly*, or wholly or partly in *severalty*, the shares being allotted in several distinct forms or on different principles, which give rise to classes or kinds of the landlord or joint-vil lage.

(d) In parts of the Pj. and Sindh applied to certain families, descendants of tribal chiefs, &c., who still retain to a greater or less extent, a certain over-lordship in lands and villages, entitling them to take certain fees or rents

(e) In parts of the N W P and in Oudh generally applied (in the adject ve form zamindári) to the right of managing a village unde the ruler and later under the Taluqdar (e. g. birt zamindári, = grant of the management, and collections, f a village or tract)

(f) In Marathá, and especially in Rajput States, Z. was the title of a pargana officer who collected the revenues from the patels of villages, unde the supervision of Kamasdar (Maratha The old Hin du despandh was in later times so called. Rájput)

(g) In the C P applied (formerly to the assignee of large tract f waste land, who was t promote cult and arrange the L. R. (now) t holders of estates, which are surv ving (l nd h f-h pe

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zamindari khalis, where only one person owns the whole village I. 58 II. 5.
z. mushtarka, where this one is replaced by a body of desce ndants still joint id.
(Othe forms of landlord or joint village see pattidari bhaiachara ; see also Village
T rm used as Oudh &c

THE END.